

HB3362



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3362

Introduced 2/17/2023, by Rep. Wayne A Rosenthal

SYNOPSIS AS INTRODUCED:

820 ILCS 315/2	from Ch. 48, par. 282
820 ILCS 315/3	from Ch. 48, par. 283
820 ILCS 315/4	from Ch. 48, par. 284

Amends the Line of Duty Compensation Act. Includes animal control officers and animal wardens within the scope of the Act. Defines terms.

LRB103 25936 SPS 52287 b

A BILL FOR

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Line of Duty Compensation Act is amended by
5 changing Sections 2, 3, and 4 as follows:

6 (820 ILCS 315/2) (from Ch. 48, par. 282)

7 Sec. 2. As used in this Act, unless the context otherwise
8 requires:

9 (a) "Law enforcement officer" or "officer" means any
10 person employed by the State or a local governmental entity as
11 a policeman, peace officer, auxiliary policeman or in some
12 like position involving the enforcement of the law and
13 protection of the public interest at the risk of that person's
14 life. This includes supervisors, wardens, superintendents and
15 their assistants, guards and keepers, correctional officers,
16 youth supervisors, parole agents, aftercare specialists,
17 school teachers and correctional counsellors in all facilities
18 of both the Department of Corrections and the Department of
19 Juvenile Justice, while within the facilities under the
20 control of the Department of Corrections or the Department of
21 Juvenile Justice or in the act of transporting inmates or
22 wards from one location to another or while performing their
23 official duties, and all other Department of Correction or

1 Department of Juvenile Justice employees who have daily
2 contact with inmates. For the purposes of this Act, "law
3 enforcement officer" or "officer" also means a probation
4 officer, as defined in Section 9b of the Probation and
5 Probation Officers Act.

6 The death of the foregoing employees of the Department of
7 Corrections or the Department of Juvenile Justice in order to
8 be included herein must be by the direct or indirect willful
9 act of an inmate, ward, work-releasee, parolee, aftercare
10 releasee, parole violator, aftercare release violator, person
11 under conditional release, or any person sentenced or
12 committed, or otherwise subject to confinement in or to the
13 Department of Corrections or the Department of Juvenile
14 Justice.

15 (b) "Fireman" means any person employed by the State or a
16 local governmental entity as, or otherwise serving as, a
17 member or officer of a fire department either for the purpose
18 of the prevention or control of fire or the underwater
19 recovery of drowning victims, including volunteer firemen.

20 (c) "Local governmental entity" includes counties,
21 municipalities and municipal corporations.

22 (d) "State" means the State of Illinois and its
23 departments, divisions, boards, bureaus, commissions,
24 authorities and colleges and universities.

25 (e) "Killed in the line of duty" means losing one's life as
26 a result of injury received in the active performance of

1 duties as a law enforcement officer, civil defense worker,
2 civil air patrol member, paramedic, fireman, ~~or~~ chaplain,
3 animal control officer, or animal warden if the death occurs
4 within one year from the date the injury was received and if
5 that injury arose from violence or other accidental cause. In
6 the case of a State employee, "killed in the line of duty"
7 means losing one's life as a result of injury received in the
8 active performance of one's duties as a State employee, if the
9 death occurs within one year from the date the injury was
10 received and if that injury arose from a willful act of
11 violence by another State employee committed during such other
12 employee's course of employment and after January 1, 1988. The
13 term excludes death resulting from the willful misconduct or
14 intoxication of the officer, civil defense worker, civil air
15 patrol member, paramedic, fireman, chaplain, animal control
16 officer, animal warden, or State employee. However, the burden
17 of proof of such willful misconduct or intoxication of the
18 officer, civil defense worker, civil air patrol member,
19 paramedic, fireman, chaplain, animal control officer, animal
20 warden, or State employee is on the Attorney General. Subject
21 to the conditions set forth in subsection (a) with respect to
22 inclusion under this Act of Department of Corrections and
23 Department of Juvenile Justice employees described in that
24 subsection, for the purposes of this Act, instances in which a
25 law enforcement officer receives an injury in the active
26 performance of duties as a law enforcement officer include but

1 are not limited to instances when:

2 (1) the injury is received as a result of a wilful act
3 of violence committed other than by the officer and a
4 relationship exists between the commission of such act and
5 the officer's performance of his duties as a law
6 enforcement officer, whether or not the injury is received
7 while the officer is on duty as a law enforcement officer;

8 (2) the injury is received by the officer while the
9 officer is attempting to prevent the commission of a
10 criminal act by another or attempting to apprehend an
11 individual the officer suspects has committed a crime,
12 whether or not the injury is received while the officer is
13 on duty as a law enforcement officer;

14 (3) the injury is received by the officer while the
15 officer is travelling to or from his employment as a law
16 enforcement officer or during any meal break, or other
17 break, which takes place during the period in which the
18 officer is on duty as a law enforcement officer.

19 In the case of an Armed Forces member, "killed in the line
20 of duty" means losing one's life while on active duty in
21 connection with the September 11, 2001 terrorist attacks on
22 the United States, Operation Enduring Freedom, Operation
23 Freedom's Sentinel, Operation Iraqi Freedom, Operation New
24 Dawn, or Operation Inherent Resolve.

25 (f) "Volunteer fireman" means a person having principal
26 employment other than as a fireman, but who is carried on the

1 rolls of a regularly constituted fire department either for
2 the purpose of the prevention or control of fire or the
3 underwater recovery of drowning victims, the members of which
4 are under the jurisdiction of the corporate authorities of a
5 city, village, incorporated town, or fire protection district,
6 and includes a volunteer member of a fire department organized
7 under the "General Not for Profit Corporation Act", approved
8 July 17, 1943, as now or hereafter amended, which is under
9 contract with any city, village, incorporated town, fire
10 protection district, or persons residing therein, for fire
11 fighting services. "Volunteer fireman" does not mean an
12 individual who volunteers assistance without being regularly
13 enrolled as a fireman.

14 (g) "Civil defense worker" means any person employed by
15 the State or a local governmental entity as, or otherwise
16 serving as, a member of a civil defense work force, including
17 volunteer civil defense work forces engaged in serving the
18 public interest during periods of disaster, whether natural or
19 man-made.

20 (h) "Civil air patrol member" means any person employed by
21 the State or a local governmental entity as, or otherwise
22 serving as, a member of the organization commonly known as the
23 "Civil Air Patrol", including volunteer members of the
24 organization commonly known as the "Civil Air Patrol".

25 (i) "Paramedic" means an Emergency Medical
26 Technician-Paramedic certified by the Illinois Department of

1 Public Health under the Emergency Medical Services (EMS)
2 Systems Act, and all other emergency medical personnel
3 certified by the Illinois Department of Public Health who are
4 members of an organized body or not-for-profit corporation
5 under the jurisdiction of a city, village, incorporated town,
6 fire protection district or county, that provides emergency
7 medical treatment to persons of a defined geographical area.

8 (j) "State employee" means any employee as defined in
9 Section 14-103.05 of the Illinois Pension Code, as now or
10 hereafter amended.

11 (k) "Chaplain" means an individual who:

12 (1) is a chaplain of (i) a fire department or (ii) a
13 police department or other agency consisting of law
14 enforcement officers; and

15 (2) has been designated a chaplain by (i) the fire
16 department, police department, or other agency or an
17 officer or body having jurisdiction over the department or
18 agency or (ii) a labor organization representing the
19 firemen or law enforcement officers.

20 (l) "Armed Forces member" means an Illinois resident who
21 is: a member of the Armed Forces of the United States; a member
22 of the Illinois National Guard while on active military
23 service pursuant to an order of the President of the United
24 States; or a member of any reserve component of the Armed
25 Forces of the United States while on active military service
26 pursuant to an order of the President of the United States.

1 (m) "Animal control officer" or "animal warden" means an
2 employee of a State or local governmental entity appointed or
3 employed to enforce State and local animal regulation statutes
4 and protect public health and safety.

5 (Source: P.A. 102-221, eff. 1-1-22.)

6 (820 ILCS 315/3) (from Ch. 48, par. 283)

7 Sec. 3. Duty death benefit.

8 (a) If a claim therefor is made within one year of the date
9 of death of a law enforcement officer, civil defense worker,
10 civil air patrol member, paramedic, fireman, chaplain, animal
11 control officer, animal warden, or State employee killed in
12 the line of duty, or if a claim therefor is made within 2 years
13 of the date of death of an Armed Forces member killed in the
14 line of duty, compensation shall be paid to the person
15 designated by the law enforcement officer, civil defense
16 worker, civil air patrol member, paramedic, fireman, chaplain,
17 animal control officer, animal warden, State employee, or
18 Armed Forces member. However, if the Armed Forces member was
19 killed in the line of duty before October 18, 2004, the claim
20 must be made within one year of October 18, 2004. In addition,
21 if a death occurred after December 31, 2016 and before January
22 1, 2021, the claim may be made no later than December 31, 2022
23 notwithstanding any other deadline established under this Act
24 with respect to filing a claim for a duty death benefit.

25 (b) The amount of compensation, except for an Armed Forces

1 member, shall be \$10,000 if the death in the line of duty
2 occurred prior to January 1, 1974; \$20,000 if such death
3 occurred after December 31, 1973 and before July 1, 1983;
4 \$50,000 if such death occurred on or after July 1, 1983 and
5 before January 1, 1996; \$100,000 if the death occurred on or
6 after January 1, 1996 and before May 18, 2001; \$118,000 if the
7 death occurred on or after May 18, 2001 and before July 1,
8 2002; and \$259,038 if the death occurred on or after July 1,
9 2002 and before January 1, 2003. For an Armed Forces member
10 killed in the line of duty (i) at any time before January 1,
11 2005, the compensation is \$259,038 plus amounts equal to the
12 increases for 2003 and 2004 determined under subsection (c)
13 and (ii) on or after January 1, 2005, the compensation is the
14 amount determined under item (i) plus the applicable increases
15 for 2005 and thereafter determined under subsection (c).

16 (c) Except as provided in subsection (b), for deaths
17 occurring on or after January 1, 2003, the death compensation
18 rate for death in the line of duty occurring in a particular
19 calendar year shall be the death compensation rate for death
20 occurring in the previous calendar year (or in the case of
21 deaths occurring in 2003, the rate in effect on December 31,
22 2002) increased by a percentage thereof equal to the
23 percentage increase, if any, in the index known as the
24 Consumer Price Index for All Urban Consumers: U.S. city
25 average, unadjusted, for all items, as published by the United
26 States Department of Labor, Bureau of Labor Statistics, for

1 the 12 months ending with the month of June of that previous
2 calendar year.

3 (d) If no beneficiary is designated or if no designated
4 beneficiary survives at the death of the law enforcement
5 officer, civil defense worker, civil air patrol member,
6 paramedic, fireman, chaplain, animal control officer, animal
7 warden, or State employee killed in the line of duty, the
8 compensation shall be paid in accordance with a legally
9 binding will left by the law enforcement officer, civil
10 defense worker, civil air patrol member, paramedic, fireman,
11 chaplain, animal control officer, animal warden, or State
12 employee. If the law enforcement officer, civil defense
13 worker, civil air patrol member, paramedic, fireman, chaplain,
14 animal control officer, animal warden, or State employee did
15 not leave a legally binding will, the compensation shall be
16 paid as follows:

17 (1) when there is a surviving spouse, the entire sum
18 shall be paid to the spouse;

19 (2) when there is no surviving spouse, but a surviving
20 descendant of the decedent, the entire sum shall be paid
21 to the decedent's descendants per stirpes;

22 (3) when there is neither a surviving spouse nor a
23 surviving descendant, the entire sum shall be paid to the
24 parents of the decedent in equal parts, allowing to the
25 surviving parent, if one is dead, the entire sum; and

26 (4) when there is no surviving spouse, descendant or

1 parent of the decedent, but there are surviving brothers
2 or sisters, or descendants of a brother or sister, who
3 were receiving their principal support from the decedent
4 at his death, the entire sum shall be paid, in equal parts,
5 to the dependent brothers or sisters or dependent
6 descendant of a brother or sister. Dependency shall be
7 determined by the Court of Claims based upon the
8 investigation and report of the Attorney General.

9 The changes made to this subsection (d) by this amendatory Act
10 of the 94th General Assembly apply to any pending case as long
11 as compensation has not been paid to any party before the
12 effective date of this amendatory Act of the 94th General
13 Assembly.

14 (d-1) For purposes of subsection (d), in the case of a
15 person killed in the line of duty who was born out of wedlock
16 and was not an adoptive child at the time of the person's
17 death, a person shall be deemed to be a parent of the person
18 killed in the line of duty only if that person would be an
19 eligible parent, as defined in Section 2-2 of the Probate Act
20 of 1975, of the person killed in the line of duty. This
21 subsection (d-1) applies to any pending claim if compensation
22 was not paid to the claimant of the pending claim before the
23 effective date of this amendatory Act of the 94th General
24 Assembly.

25 (d-2) If no beneficiary is designated or if no designated
26 beneficiary survives at the death of the Armed Forces member

1 killed in the line of duty, the compensation shall be paid in
2 entirety according to the designation made on the most recent
3 version of the Armed Forces member's Servicemembers' Group
4 Life Insurance Election and Certificate ("SGLI").

5 If no SGLI form exists at the time of the Armed Forces
6 member's death, the compensation shall be paid in accordance
7 with a legally binding will left by the Armed Forces member.

8 If no SGLI form exists for the Armed Forces member and the
9 Armed Forces member did not leave a legally binding will, the
10 compensation shall be paid to the persons and in the priority
11 as set forth in paragraphs (1) through (4) of subsection (d) of
12 this Section.

13 This subsection (d-2) applies to any pending case as long
14 as compensation has not been paid to any party before the
15 effective date of this amendatory Act of the 94th General
16 Assembly.

17 (e) If there is no beneficiary designated or if no
18 designated beneficiary survives at the death of the law
19 enforcement officer, civil defense worker, civil air patrol
20 member, paramedic, fireman, chaplain, animal control officer,
21 animal warden, State employee, or Armed Forces member killed
22 in the line of duty and there is no other person or entity to
23 whom compensation is payable under this Section, no
24 compensation shall be payable under this Act.

25 (f) No part of such compensation may be paid to any other
26 person for any efforts in securing such compensation.

1 (g) This amendatory Act of the 93rd General Assembly
2 applies to claims made on or after October 18, 2004 with
3 respect to an Armed Forces member killed in the line of duty.

4 (h) In any case for which benefits have not been paid
5 within 6 months of the claim being filed in accordance with
6 this Section, which is pending as of the effective date of this
7 amendatory Act of the 96th General Assembly, and in which
8 there are 2 or more beneficiaries, at least one of whom would
9 receive at least a portion of the total benefit regardless of
10 the manner in which the Court of Claims resolves the claim, the
11 Court shall direct the Comptroller to pay the minimum amount
12 of money which the determinate beneficiary would receive
13 together with all interest payment penalties which have
14 accrued on that portion of the award being paid within 30 days
15 of the effective date of this amendatory Act of the 96th
16 General Assembly. For purposes of this subsection (h),
17 "determinate beneficiary" means the beneficiary who would
18 receive any portion of the total benefit claimed regardless of
19 the manner in which the Court of Claims adjudicates the claim.

20 (i) The Court of Claims shall ensure that all individuals
21 who have filed an application to claim the duty death benefit
22 for a deceased member of the Armed Forces pursuant to this
23 Section or for a fireman pursuant to this Section, or their
24 designated representative, shall have access, on a timely
25 basis and in an efficient manner, to all information related
26 to the court's consideration, processing, or adjudication of

1 the claim, including, but not limited to, the following:

2 (1) a reliable estimate of when the Court of Claims
3 will adjudicate the claim, or if the Court cannot estimate
4 when it will adjudicate the claim, a full written
5 explanation of the reasons for this inability; and

6 (2) a reliable estimate, based upon consultation with
7 the Comptroller, of when the benefit will be paid to the
8 claimant.

9 (j) The Court of Claims shall send written notice to all
10 claimants within 2 weeks of the initiation of a claim
11 indicating whether or not the application is complete. For
12 purposes of this subsection (j), an application is complete if
13 a claimant has submitted to the Court of Claims all documents
14 and information the Court requires for adjudicating and paying
15 the benefit amount. For purposes of this subsection (j), a
16 claim for the duty death benefit is initiated when a claimant
17 submits any of the application materials required for
18 adjudicating the claim to the Court of Claims. In the event a
19 claimant's application is incomplete, the Court shall include
20 in its written notice a list of the information or documents
21 which the claimant must submit in order for the application to
22 be complete. In no case may the Court of Claims deny a claim
23 and subsequently re-adjudicate the same claim for the purpose
24 of evading or reducing the interest penalty payment amount
25 payable to any claimant.

26 (Source: P.A. 102-215, eff. 7-30-21.)

1 (820 ILCS 315/4) (from Ch. 48, par. 284)

2 Sec. 4. Notwithstanding Section 3, no compensation is
3 payable under this Act unless a claim therefor is filed,
4 within the time specified by that Section with the Court of
5 Claims on an application prescribed and furnished by the
6 Attorney General and setting forth:

7 (a) the name, address and title or designation of the
8 position in which the officer, civil defense worker, civil
9 air patrol member, paramedic, fireman, chaplain, animal
10 control officer, animal warden, State employee, or Armed
11 Forces member was serving at the time of his death;

12 (b) the names and addresses of person or persons
13 designated by the officer, civil defense worker, civil air
14 patrol member, paramedic, fireman, chaplain, animal
15 control officer, animal warden, State employee, or Armed
16 Forces member to receive the compensation and, if more
17 than one, the percentage or share to be paid to each such
18 person, or if there has been no such designation, the name
19 and address of the personal representative of the estate
20 of the officer, civil defense worker, civil air patrol
21 member, paramedic, fireman, chaplain, animal control
22 officer, animal warden, State employee, or Armed Forces
23 member;

24 (c) a full, factual account of the circumstances
25 resulting in or the course of events causing the death of

1 the officer, civil defense worker, civil air patrol
2 member, paramedic, fireman, chaplain, animal control
3 officer, animal warden, State employee, or Armed Forces
4 member; and

5 (d) such other information as the Court of Claims
6 reasonably requires.

7 When a claim is filed, the Attorney General shall make an
8 investigation for substantiation of matters set forth in such
9 an application.

10 For the 2 years immediately following the effective date
11 of this amendatory act of the 96th General Assembly, the Court
12 of Claims shall direct the Comptroller to pay a
13 "Modified-Eligibility Line of Duty Benefit" to eligible late
14 claimants who file a claim for the benefit. A claim for a
15 Modified-Eligibility Line of Duty Benefit must include all the
16 application materials and documents required for all other
17 claims payable under this Act, except as otherwise provided in
18 this Section 4. For purposes of this Section 4 only, an
19 "eligible late claimant" is a person who would have been
20 eligible, at any time after September 11, 2001, to apply for
21 and receive payment of a claim pursuant to this Act in
22 connection with the death of an Armed Forces member killed in
23 the line of duty or a fireman killed in the line of duty, but
24 did not receive the award payment because:

25 (1) the claim was rejected only because the claim was
26 not filed within the time limitation set forth in

1 subsection (a) of Section 3 of this Act; or
2 (2) having met all other preconditions for applying
3 for and receiving the award payment, the claimant did not
4 file a claim because the claim would not have been filed
5 within the time limitation set forth in subsection (a) of
6 Section 3 of this Act. For purposes of this Section 4 only,
7 the "Modified-Eligibility Line of Duty Benefit" is an
8 amount of money payable to eligible late claimants equal
9 to the amount set forth in Section 3 of this Act payable to
10 claimants seeking payment of awards under Section 3 of
11 this Act for claims made thereunder in the year in which
12 the claim for the Modified-Eligibility Line of Duty
13 Benefit is made. Within 6 months of receiving a complete
14 claim for the Modified-Eligibility Line of Duty Benefit,
15 the Court of Claims must direct the Comptroller to pay the
16 benefit amount to the eligible late claimant.

17 (Source: P.A. 96-539, eff. 1-1-10; 96-923, eff. 1-1-11.)