

1 AN ACT concerning certain individuals killed in the line of
2 duty.

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

5 Section 5. The Line of Duty Compensation Act is amended by
6 changing Section 3 as follows:

7 (820 ILCS 315/3) (from Ch. 48, par. 283)

8 Sec. 3. Duty death benefit.

9 (a) If a claim therefor is made within one year of the date
10 of death of a law enforcement officer, civil defense worker,
11 civil air patrol member, paramedic, fireman, chaplain, State
12 employee, or Armed Forces member killed in the line of duty,
13 compensation shall be paid to the person designated by the law
14 enforcement officer, civil defense worker, civil air patrol
15 member, paramedic, fireman, chaplain, State employee, or Armed
16 Forces member. However, if the Armed Forces member was killed
17 in the line of duty before October 18, 2004, the claim must be
18 made within one year of October 18, 2004.

19 (b) The amount of compensation, except for an Armed Forces
20 member, shall be \$10,000 if the death in the line of duty
21 occurred prior to January 1, 1974; \$20,000 if such death
22 occurred after December 31, 1973 and before July 1, 1983;
23 \$50,000 if such death occurred on or after July 1, 1983 and
24 before January 1, 1996; \$100,000 if the death occurred on or
25 after January 1, 1996 and before May 18, 2001; \$118,000 if the
26 death occurred on or after May 18, 2001 and before July 1,
27 2002; and \$259,038 if the death occurred on or after July 1,
28 2002 and before January 1, 2003. For an Armed Forces member
29 killed in the line of duty (i) at any time before January 1,
30 2005, the compensation is \$259,038 plus amounts equal to the
31 increases for 2003 and 2004 determined under subsection (c) and
32 (ii) on or after January 1, 2005, the compensation is the

1 amount determined under item (i) plus the applicable increases
2 for 2005 and thereafter determined under subsection (c).

3 (c) Except as provided in subsection (b), for deaths
4 occurring on or after January 1, 2003, the death compensation
5 rate for death in the line of duty occurring in a particular
6 calendar year shall be the death compensation rate for death
7 occurring in the previous calendar year (or in the case of
8 deaths occurring in 2003, the rate in effect on December 31,
9 2002) increased by a percentage thereof equal to the percentage
10 increase, if any, in the index known as the Consumer Price
11 Index for All Urban Consumers: U.S. city average, unadjusted,
12 for all items, as published by the United States Department of
13 Labor, Bureau of Labor Statistics, for the 12 months ending
14 with the month of June of that previous calendar year.

15 (d) If no beneficiary is designated or surviving at the
16 death of the law enforcement officer, civil defense worker,
17 civil air patrol member, paramedic, fireman, chaplain, State
18 employee, or Armed Forces member killed in the line of duty,
19 the compensation shall be paid as follows:

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

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

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

29 (4) when there is no surviving spouse, descendant or
30 parent of the decedent, but there are surviving brothers or
31 sisters, or descendants of a brother or sister, who were
32 receiving their principal support from the decedent at his
33 death, the entire sum shall be paid, in equal parts, to the
34 dependent brothers or sisters or dependent descendant of a
35 brother or sister. Dependency shall be determined by the
36 Court of Claims based upon the investigation and report of

1 the Attorney General.

2 (d-1) For purposes of subsection (d), in the case of a
3 person killed in the line of duty who was born out of wedlock
4 and was not an adoptive child at the time of the person's
5 death, a person shall be deemed to be a parent of the person
6 killed in the line of duty only if that person would be an
7 eligible parent, as defined in Section 2-2 of the Probate Act
8 of 1975, of the person killed in the line of duty. This
9 subsection (d-1) applies to any pending claim if compensation
10 was not paid to the claimant of the pending claim before the
11 effective date of this amendatory Act of the 94th General
12 Assembly.

13 (e) When there is no beneficiary designated or surviving at
14 the death of the law enforcement officer, civil defense worker,
15 civil air patrol member, paramedic, fireman, chaplain, State
16 employee, or Armed Forces member killed in the line of duty and
17 no surviving spouse, descendant, parent, dependent brother or
18 sister, or dependent descendant of a brother or sister, no
19 compensation shall be payable under this Act.

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

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

25 (Source: P.A. 92-3, eff. 5-18-01; 92-609, eff. 7-1-02; 93-1047,
26 eff. 10-18-04; 93-1073, eff. 1-18-05.)

27 Section 99. Effective date. This Act takes effect upon
28 becoming law.