

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 Court of Claims Act is amended by changing  
5 Section 24 as follows:

6 (705 ILCS 505/24) (from Ch. 37, par. 439.24)

7 Sec. 24. Payment of awards.

8 (1) From funds appropriated by the General Assembly for the  
9 purposes of this Section the Court may direct immediate payment  
10 of:

11 (a) All claims arising solely as a result of the  
12 lapsing of an appropriation out of which the obligation  
13 could have been paid.

14 (b) All claims pursuant to the Line of Duty  
15 Compensation Act.

16 (c) All claims pursuant to the "Illinois National  
17 Guardsman's and Naval Militiaman's Compensation Act",  
18 approved August 12, 1971, as amended.

19 (d) All claims pursuant to the "Crime Victims  
20 Compensation Act", approved August 23, 1973, as amended.

21 (e) All other claims wherein the amount of the award of  
22 the Court is less than \$5,000.

23 (2) The court may, from funds specifically appropriated

1 from the General Revenue Fund for this purpose, direct the  
2 payment of awards less than \$50,000 solely as a result of the  
3 lapsing of an appropriation originally made from any fund held  
4 by the State Treasurer. For any such award paid from the  
5 General Revenue Fund, the court shall thereafter seek an  
6 appropriation from the fund from which the liability originally  
7 accrued in reimbursement of the General Revenue Fund.

8 (3) In directing payment of a claim pursuant to the Line of  
9 Duty Compensation Act, the Court must direct the Comptroller to  
10 add an interest penalty if payment of a claim is not made  
11 within 6 months after a claim is filed in accordance with  
12 Section 3 of the Line of Duty Compensation Act and all  
13 information has been submitted as required under Section 4 of  
14 the Line of Duty Compensation Act. If payment is not issued  
15 within the 6-month period, an interest penalty of 1% of the  
16 amount of the award shall be added for each month or fraction  
17 thereof after the end of the 6-month period, until final  
18 payment is made. This interest penalty shall be added  
19 regardless of whether the payment is not issued within the  
20 6-month period because of the appropriation process, the  
21 consideration of the matter by the Court, or any other reason.

22 (3.5) The interest penalty payment provided for in  
23 subsection (3) shall be added to all claims for which benefits  
24 were not paid as of the effective date of P.A. 95-928. The  
25 interest penalty shall be calculated starting from the  
26 effective date of P.A. 95-928, provided that the effective date

1 of P.A. 95-928 is at least 6 months after the date on which the  
2 claim was filed in accordance with Section 3 of the Line of  
3 Duty Compensation Act. In the event that the date 6 months  
4 after the date on which the claim was filed is later than the  
5 effective date of P.A. 95-928, the Court shall calculate the  
6 interest payment penalty starting from the date 6 months after  
7 the date on which the claim was filed in accordance with  
8 Section 3 of the Line of Duty Compensation Act. This subsection  
9 (3.5) of this amendatory Act of the 96th General Assembly is  
10 declarative of existing law.

11 (3.6) In addition to the interest payments provided for in  
12 subsections (3) and (3.5), the Court shall direct the  
13 Comptroller to add a "catch-up" payment to the claims of  
14 eligible claimants. For the purposes of this subsection (3.6),  
15 an "eligible claimant" is a claimant whose claim is not paid in  
16 the year in which it was filed. For purposes of this subsection  
17 (3.6), "'catch-up' payment" is defined as the difference  
18 between the amount paid to claimants whose claims were filed in  
19 the year in which the eligible claimant's claim is paid and the  
20 amount paid to claimants whose claims were filed in the year in  
21 which the eligible claimant filed his or her claim. The  
22 "catch-up" payment is payable simultaneously with the claim  
23 award.

24 (4) ~~(3)~~ From funds appropriated by the General Assembly for  
25 the purposes of paying claims under paragraph (c) of Section 8,  
26 the court must direct payment of each claim and the payment

1 must be received by the claimant within 60 days after the date  
2 that the funds are appropriated for that purpose.

3 (Source: P.A. 95-928, eff. 8-26-08; 95-970, eff. 9-22-08;  
4 revised 10-14-08.)

5 Section 10. The Line of Duty Compensation Act is amended by  
6 changing Sections 3 and 4 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, or State  
12 employee killed in the line of duty, or if a claim therefor is  
13 made within 2 years of the date of death of an Armed Forces  
14 member killed in the line of duty, compensation shall be paid  
15 to the person designated by the law enforcement officer, civil  
16 defense worker, civil air patrol member, paramedic, fireman,  
17 chaplain, State employee, or Armed Forces member. However, if  
18 the Armed Forces member was killed in the line of duty before  
19 October 18, 2004, the claim must be made within one year of  
20 October 18, 2004.

21 (b) The amount of compensation, except for an Armed Forces  
22 member, shall be \$10,000 if the death in the line of duty  
23 occurred prior to January 1, 1974; \$20,000 if such death  
24 occurred after December 31, 1973 and before July 1, 1983;

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

13 (c) Except as provided in subsection (b), for deaths  
14 occurring on or after January 1, 2003, the death compensation  
15 rate for death in the line of duty occurring in a particular  
16 calendar year shall be the death compensation rate for death  
17 occurring in the previous calendar year (or in the case of  
18 deaths occurring in 2003, the rate in effect on December 31,  
19 2002) increased by a percentage thereof equal to the percentage  
20 increase, if any, in the index known as the Consumer Price  
21 Index for All Urban Consumers: U.S. city average, unadjusted,  
22 for all items, as published by the United States Department of  
23 Labor, Bureau of Labor Statistics, for the 12 months ending  
24 with the month of June of that previous calendar year.

25 (d) If no beneficiary is designated or if no designated  
26 beneficiary survives at the death of the law enforcement

1 officer, civil defense worker, civil air patrol member,  
2 paramedic, fireman, chaplain, or State employee killed in the  
3 line of duty, the compensation shall be paid in accordance with  
4 a legally binding will left by the law enforcement officer,  
5 civil defense worker, civil air patrol member, paramedic,  
6 fireman, chaplain, or State employee. If the law enforcement  
7 officer, civil defense worker, civil air patrol member,  
8 paramedic, fireman, chaplain, or State employee did not leave a  
9 legally binding will, the compensation shall be paid as  
10 follows:

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

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

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

20 (4) when there is no surviving spouse, descendant or  
21 parent of the decedent, but there are surviving brothers or  
22 sisters, or descendants of a brother or sister, who were  
23 receiving their principal support from the decedent at his  
24 death, the entire sum shall be paid, in equal parts, to the  
25 dependent brothers or sisters or dependent descendant of a  
26 brother or sister. Dependency shall be determined by the

1 Court of Claims based upon the investigation and report of  
2 the Attorney General.

3 The changes made to this subsection (d) by this amendatory Act  
4 of the 94th General Assembly apply to any pending case as long  
5 as compensation has not been paid to any party before the  
6 effective date of this amendatory Act of the 94th General  
7 Assembly.

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

19 (d-2) If no beneficiary is designated or if no designated  
20 beneficiary survives at the death of the Armed Forces member  
21 killed in the line of duty, the compensation shall be paid in  
22 entirety according to the designation made on the most recent  
23 version of the Armed Forces member's Servicemembers' Group Life  
24 Insurance Election and Certificate ("SGLI").

25 If no SGLI form exists at the time of the Armed Forces  
26 member's death, the compensation shall be paid in accordance

1 with a legally binding will left by the Armed Forces member.

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

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

11 (e) If there is no beneficiary designated or if no  
12 designated beneficiary survives at the death of the law  
13 enforcement officer, civil defense worker, civil air patrol  
14 member, paramedic, fireman, chaplain, State employee, or Armed  
15 Forces member killed in the line of duty and there is no other  
16 person or entity to whom compensation is payable under this  
17 Section, no compensation shall be payable under this Act.

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

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

23 (h) In any case for which benefits have not been paid  
24 within 6 months of the claim being filed in accordance with  
25 this Section, which is pending as of the effective date of this  
26 amendatory Act of the 96th General Assembly, and in which there



1 are 2 or more beneficiaries, at least one of whom would receive  
2 at least a portion of the total benefit regardless of the  
3 manner in which the Court of Claims resolves the claim, the  
4 Court shall direct the Comptroller to pay the minimum amount of  
5 money which the determinate beneficiary would receive together  
6 with all interest payment penalties which have accrued on that  
7 portion of the award being paid within 30 days of the effective  
8 date of this amendatory Act of the 96th General Assembly. For  
9 purposes of this subsection (h), "determinate beneficiary"  
10 means the beneficiary who would receive any portion of the  
11 total benefit claimed regardless of the manner in which the  
12 Court of Claims adjudicates the claim.

13 (i) The Court of Claims shall ensure that all individuals  
14 who have filed an application to claim the duty death benefit  
15 for a deceased member of the Armed Forces pursuant to this  
16 Section, or their designated representative, shall have  
17 access, on a timely basis and in an efficient manner, to all  
18 information related to the court's consideration, processing,  
19 or adjudication of the claim, including, but not limited to,  
20 the following:

21 (1) a reliable estimate of when the Court of Claims  
22 will adjudicate the claim, or if the Court cannot estimate  
23 when it will adjudicate the claim, a full written  
24 explanation of the reasons for this inability; and

25 (2) a reliable estimate, based upon consultation with  
26 the Comptroller, of when the benefit will be paid to the

1       claimant.

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

19       (Source: P.A. 94-843, eff. 6-8-06; 94-844, eff. 6-8-06; 95-928,  
20       eff. 8-26-08.)

21       (820 ILCS 315/4) (from Ch. 48, par. 284)

22       Sec. 4. Notwithstanding Section 3, no compensation is  
23 payable under this Act unless a claim therefor is filed, within  
24 the time specified by that Section with the Court of Claims on  
25 an application prescribed and furnished by the Attorney General

1 and setting forth:

2 (a) the name, address and title or designation of the  
3 position in which the officer, civil defense worker, civil air  
4 patrol member, paramedic, fireman, chaplain, State employee,  
5 or Armed Forces member was serving at the time of his death;

6 (b) the names and addresses of person or persons designated  
7 by the officer, civil defense worker, civil air patrol member,  
8 paramedic, fireman, chaplain, State employee, or Armed Forces  
9 member to receive the compensation and, if more than one, the  
10 percentage or share to be paid to each such person, or if there  
11 has been no such designation, the name and address of the  
12 personal representative of the estate of the officer, civil  
13 defense worker, civil air patrol member, paramedic, fireman,  
14 chaplain, State employee, or Armed Forces member;

15 (c) a full, factual account of the circumstances resulting  
16 in or the course of events causing the death of the officer,  
17 civil defense worker, civil air patrol member, paramedic,  
18 fireman, chaplain, State employee, or Armed Forces member; and

19 (d) such other information as the Court of Claims  
20 reasonably requires.

21 When a claim is filed, the Attorney General shall make an  
22 investigation for substantiation of matters set forth in such  
23 an application.

24 For the 2 years immediately following the effective date of  
25 this amendatory act of the 96th General Assembly, the Court of  
26 Claims shall direct the Comptroller to pay a

1 "Modified-Eligibility Line of Duty Benefit" to eligible late  
2 claimants who file a claim for the benefit. A claim for a  
3 Modified-Eligibility Line of Duty Benefit must include all the  
4 application materials and documents required for all other  
5 claims payable under this Act, except as otherwise provided in  
6 this Section 4. For purposes of this Section 4 only, an  
7 "eligible late claimant" is a person who would have been  
8 eligible, at any time after September 11, 2001, to apply for  
9 and receive payment of a claim pursuant to this Act in  
10 connection with the death of an Armed Forces member killed in  
11 the line of duty, but did not receive the award payment  
12 because:

13 (1) the claim was rejected only because the claim was  
14 not filed within the time limitation set forth in  
15 subsection (a) of Section 3 of this Act; or

16 (2) having met all other preconditions for applying for  
17 and receiving the award payment, the claimant did not file  
18 a claim because the claim would not have been filed within  
19 the time limitation set forth in subsection (a) of Section  
20 3 of this Act. For purposes of this Section 4 only, the  
21 "Modified-Eligibility Line of Duty Benefit" is an amount of  
22 money payable to eligible late claimants equal to the  
23 amount set forth in Section 3 of this Act payable to  
24 claimants seeking payment of awards under Section 3 of this  
25 Act for claims made thereunder in the year in which the  
26 claim for the Modified-Eligibility Line of Duty Benefit is

1       made. Within 6 months of receiving a complete claim for the  
2       Modified-Eligibility Line of Duty Benefit, the Court of  
3       Claims must direct the Comptroller to pay the benefit  
4       amount to the eligible late claimant.

5       (Source: P.A. 93-1047, eff. 10-18-04.)