



**Filed: 2/10/2009**

09600HB0022ham001

LRB096 03129 RLC 15795 a

1 AMENDMENT TO HOUSE BILL 22

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 22 by replacing  
3 everything after the enacting clause with the following:

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

1 Guardsman's and Naval Militiaman's Compensation Act",  
2 approved August 12, 1971, as amended.

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

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

7 (2) The court may, from funds specifically appropriated  
8 from the General Revenue Fund for this purpose, direct the  
9 payment of awards less than \$50,000 solely as a result of the  
10 lapsing of an appropriation originally made from any fund held  
11 by the State Treasurer. For any such award paid from the  
12 General Revenue Fund, the court shall thereafter seek an  
13 appropriation from the fund from which the liability originally  
14 accrued in reimbursement of the General Revenue Fund.

15 (3) In directing payment of a claim pursuant to the Line of  
16 Duty Compensation Act, the Court must direct the Comptroller to  
17 add an interest penalty if payment of a claim is not made  
18 within 6 months after a claim is filed in accordance with  
19 Section 3 of the Line of Duty Compensation Act and all  
20 information has been submitted as required under Section 4 of  
21 the Line of Duty Compensation Act. If payment is not issued  
22 within the 6-month period, an interest penalty of 1% of the  
23 amount of the award shall be added for each month or fraction  
24 thereof after the end of the 6-month period, until final  
25 payment is made. This interest penalty shall be added  
26 regardless of whether the payment is not issued within the

1 6-month period because of the appropriation process, the  
2 consideration of the matter by the Court, or any other reason.

3 (3.5) The interest penalty payment provided for in  
4 subsection (3) shall be added to all claims for which benefits  
5 were not paid as of the effective date of P.A. 95-928. The  
6 interest penalty shall be calculated starting from the  
7 effective date of P.A. 95-928, provided that the effective date  
8 of P.A. 95-928 is at least 6 months after the date on which the  
9 claim was filed in accordance with Section 3 of the Line of  
10 Duty Compensation Act. In the event that the date 6 months  
11 after the date on which the claim was filed is later than the  
12 effective date of P.A. 95-928, the Comptroller shall calculate  
13 the interest payment penalty starting from the date 6 months  
14 after the date on which the claim was filed in accordance with  
15 Section 3 of the Line of Duty Compensation Act. This subsection  
16 (3.5) of this amendatory Act of the 96th General Assembly is  
17 declarative of existing law.

18 (3.6) In addition to the interest payments provided for in  
19 subsections (3) and (3.5), the Court shall direct the  
20 Comptroller to add a "catch-up" payment to the claims of  
21 eligible claimants. For the purposes of this subsection (3.6),  
22 an "eligible claimant" is a claimant whose claim is not paid in  
23 the year in which it was filed. For purposes of this subsection  
24 (3.6), "'catch-up' payment" is defined as the difference  
25 between the amount paid to claimants whose claims were filed in  
26 the year in which the eligible claimant's claim is paid and the

1 amount paid to claimants whose claims were filed in the year in  
2 which the eligible claimant filed his or her claim. The  
3 "catch-up" payment is payable simultaneously with the claim  
4 award.

5 (4) ~~(3)~~ From funds appropriated by the General Assembly for  
6 the purposes of paying claims under paragraph (c) of Section 8,  
7 the court must direct payment of each claim and the payment  
8 must be received by the claimant within 60 days after the date  
9 that the funds are appropriated for that purpose.

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

12 Section 10. The Line of Duty Compensation Act is amended by  
13 changing Sections 3 and 4 as follows:

14 (820 ILCS 315/3) (from Ch. 48, par. 283)

15 Sec. 3. Duty death benefit.

16 (a) If a claim therefor is made within one year of the date  
17 of death of a law enforcement officer, civil defense worker,  
18 civil air patrol member, paramedic, fireman, chaplain, or State  
19 employee killed in the line of duty, or if a claim therefor is  
20 made within 2 years of the date of death of an Armed Forces  
21 member killed in the line of duty, compensation shall be paid  
22 to the person designated by the law enforcement officer, civil  
23 defense worker, civil air patrol member, paramedic, fireman,  
24 chaplain, State employee, or Armed Forces member. However, if

1 the Armed Forces member was killed in the line of duty before  
2 October 18, 2004, the claim must be made within one year of  
3 October 18, 2004.

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

20 (c) Except as provided in subsection (b), for deaths  
21 occurring on or after January 1, 2003, the death compensation  
22 rate for death in the line of duty occurring in a particular  
23 calendar year shall be the death compensation rate for death  
24 occurring in the previous calendar year (or in the case of  
25 deaths occurring in 2003, the rate in effect on December 31,  
26 2002) increased by a percentage thereof equal to the percentage

1 increase, if any, in the index known as the Consumer Price  
2 Index for All Urban Consumers: U.S. city average, unadjusted,  
3 for all items, as published by the United States Department of  
4 Labor, Bureau of Labor Statistics, for the 12 months ending  
5 with the month of June of that previous calendar year.

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

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

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

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

1           (4) when there is no surviving spouse, descendant or  
2           parent of the decedent, but there are surviving brothers or  
3           sisters, or descendants of a brother or sister, who were  
4           receiving their principal support from the decedent at his  
5           death, the entire sum shall be paid, in equal parts, to the  
6           dependent brothers or sisters or dependent descendant of a  
7           brother or sister. Dependency shall be determined by the  
8           Court of Claims based upon the investigation and report of  
9           the Attorney General.

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

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

26          (d-2) If no beneficiary is designated or if no designated

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

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

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

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

18 (e) If there is no beneficiary designated or if no  
19 designated beneficiary survives at the death of the law  
20 enforcement officer, civil defense worker, civil air patrol  
21 member, paramedic, fireman, chaplain, State employee, or Armed  
22 Forces member killed in the line of duty and there is no other  
23 person or entity to whom compensation is payable under this  
24 Section, no 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 there  
8 are 2 or more beneficiaries, at least one of whom would receive  
9 at least a portion of the total benefit regardless of the  
10 manner in which the Court of Claims resolves the claim, the  
11 Court shall direct the Comptroller to pay the minimum amount of  
12 money which the determinate beneficiary would receive together  
13 with all interest payment penalties which have accrued on that  
14 portion of the award being paid within 30 days of the effective  
15 date of this amendatory Act of the 96th General Assembly. For  
16 purposes of this subsection (h), "determinate beneficiary"  
17 means the beneficiary who would receive any portion of the  
18 total benefit claimed regardless of the manner in which the  
19 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 their designated representative, shall have  
24 access, on a timely basis and in an efficient manner, to all  
25 information related to the court's consideration, processing,  
26 or adjudication of the claim, including, but not limited to,

1 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 included  
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. 94-843, eff. 6-8-06; 94-844, eff. 6-8-06; 95-928,

1 eff. 8-26-08.)

2 (820 ILCS 315/4) (from Ch. 48, par. 284)

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

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

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

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

25 (d) such other information as the Court of Claims

1 reasonably requires.

2 When a claim is filed, the Attorney General shall make an  
3 investigation for substantiation of matters set forth in such  
4 an application.

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

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

23 (2) having met all other preconditions for applying for  
24 and receiving the award payment, the claimant did not file  
25 a claim because the claim would not have been filed within  
26 the time limitation set forth in subsection (a) of Section

1       3 of this Act. For purposes of this Section 4 only, the  
2       "Modified-Eligibility Line of Duty Benefit" is an amount of  
3       money payable to eligible late claimants equal to the  
4       amount set forth in Section 3 of this Act payable to  
5       claimants seeking payment of awards under Section 3 of this  
6       Act for claims made thereunder in the year in which the  
7       claim for the modified eligibility line of duty benefit is  
8       made. Within 6 months of receiving a complete claim for the  
9       Modified-Eligibility Line of Duty Benefit, the Court of  
10       Claims must direct the Comptroller to pay the benefit  
11       amount to the eligible late claimant.

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