



Rep. Richard P. Myers

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09400HB3010ham001

LRB094 08982 WGH 43778 a

1 AMENDMENT TO HOUSE BILL 3010

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3010 by replacing  
3 everything after the enacting clause with the following:

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

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

18 (b) The amount of compensation, except for an Armed Forces  
19 member, shall be \$10,000 if the death in the line of duty  
20 occurred prior to January 1, 1974; \$20,000 if such death  
21 occurred after December 31, 1973 and before July 1, 1983;  
22 \$50,000 if such death occurred on or after July 1, 1983 and  
23 before January 1, 1996; \$100,000 if the death occurred on or  
24 after January 1, 1996 and before May 18, 2001; \$118,000 if the

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

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

22 (d) If no beneficiary is designated or surviving at the  
23 death of the law enforcement officer, civil defense worker,  
24 civil air patrol member, paramedic, fireman, chaplain, or State  
25 employee, ~~or Armed Forces member~~ killed in the line of duty,  
26 the compensation shall be paid as follows:

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

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

32 (3) when there is neither a surviving spouse nor a  
33 surviving descendant, the entire sum shall be paid to the  
34 parents of the decedent in equal parts, allowing to the

1 surviving parent, if one is dead, the entire sum; and

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

11 (d-1) If no beneficiary is designated or surviving at the  
12 death of the Armed Forces member killed in the line of duty,  
13 the compensation shall be paid as follows:

14 (1) the entire sum shall be paid to the surviving  
15 beneficiaries designated in the Armed Forces member's  
16 Servicemembers' Group Life Insurance Election and  
17 Certificate (SGLV-8286) (or in any other designation  
18 certificate for the Armed Forces member's Servicemembers'  
19 Group Life Insurance specified by the Department of  
20 Defense) in effect at the time of the Armed Forces member's  
21 death;

22 (2) if there are no surviving beneficiaries designated  
23 under subdivision (1) and the Armed Forces member left a  
24 valid will, the entire sum shall be paid in accordance with  
25 the will; and

26 (3) if there are no surviving beneficiaries designated  
27 under subdivision (1) and the Armed Forces member did not  
28 leave a valid will, the entire sum shall be paid shall be  
29 paid in accordance with subsection (d).

30 This subsection (d-1) applies regardless of when the death  
31 occurred, unless compensation was paid before the effective  
32 date of this amendatory Act of the 94th General Assembly.

33 (e) When there is no beneficiary designated or surviving at  
34 the death of the law enforcement officer, civil defense worker,

1 civil air patrol member, paramedic, fireman, chaplain, State  
2 employee, or Armed Forces member killed in the line of duty and  
3 no surviving spouse, descendant, parent, dependent brother or  
4 sister, or dependent descendant of a brother or sister, no  
5 compensation shall be payable under this Act.

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

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

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

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law."