

# HB3223



## 104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3223

Introduced 2/18/2025, 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.

LRB104 08660 SPS 18714 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 counselors 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 Corrections 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,

1 but are not limited to, instances when:

2 (1) the injury is received as a result of a willful 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 traveling 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, which is  
8 under contract with any city, village, incorporated town, fire  
9 protection district, or persons residing therein, for fire  
10 fighting services. "Volunteer fireman" does not mean an  
11 individual who volunteers assistance without being regularly  
12 enrolled as a fireman.

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

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

24 (i) "Paramedic" means an Emergency Medical  
25 Technician-Paramedic certified by the Illinois Department of  
26 Public Health under the Emergency Medical Services (EMS)

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

7 (j) "State employee" means any employee as defined in  
8 Section 14-103.05 of the Illinois Pension Code.

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

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

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

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

25 (m) "Animal control officer" or "animal warden" means an  
26 employee of a State or local governmental entity appointed or

1 employed to enforce State and local animal regulation statutes  
2 and protect public health and safety.

3 (Source: P.A. 102-221, eff. 1-1-22; 103-605, eff. 7-1-24.)

4 (820 ILCS 315/3) (from Ch. 48, par. 283)

5 Sec. 3. Duty death benefit.

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

23 (b) The amount of compensation, except for an Armed Forces  
24 member, shall be \$10,000 if the death in the line of duty  
25 occurred prior to January 1, 1974; \$20,000 if such death

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

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

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

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

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

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

24 (4) when there is no surviving spouse, descendant or  
25 parent of the decedent, but there are surviving brothers  
26 or sisters, or descendants of a brother or sister, who

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

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

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

23          (d-2) If no beneficiary is designated or if no designated  
24          beneficiary survives at the death of the Armed Forces member  
25          killed in the line of duty, the compensation shall be paid in  
26          entirety according to the designation made on the most recent

1 version of the Armed Forces member's Servicemembers' Group  
2 Life Insurance Election and Certificate ("SGLI").

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

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

11 This subsection (d-2) applies 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 (e) If there is no beneficiary designated or if no  
16 designated beneficiary survives at the death of the law  
17 enforcement officer, civil defense worker, civil air patrol  
18 member, paramedic, fireman, chaplain, animal control officer,  
19 animal warden, State employee, or Armed Forces member killed  
20 in the line of duty and there is no other person or entity to  
21 whom compensation is payable under this Section, no  
22 compensation shall be payable under this Act.

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

25 (g) This amendatory Act of the 93rd General Assembly  
26 applies to claims made on or after October 18, 2004 with

1 respect to an Armed Forces member killed in the line of duty.

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

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

26 (1) a reliable estimate of when the Court of Claims

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

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

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

24 (Source: P.A. 102-215, eff. 7-30-21; 103-8, eff. 6-7-23.)

25 (820 ILCS 315/4) (from Ch. 48, par. 284)

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

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

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

23           (c) a full, factual account of the circumstances  
24 resulting in or the course of events causing the death of  
25 the officer, civil defense worker, civil air patrol  
26 member, paramedic, fireman, chaplain, animal control

1       officer, animal warden, State employee, or Armed Forces  
2       member; and

3               (d) such other information as the Court of Claims  
4       reasonably requires.

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

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

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

26               (2) having met all other preconditions for applying

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

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