



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5787

by Rep. Thaddeus Jones

SYNOPSIS AS INTRODUCED:

705 ILCS 505/9.7 new	
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 Court of Claims Act. Creates the COVID-19 Family Assistance Program. Provides for the Court of Claims to administer a program for the payment of \$50,000 to families of persons who die because of COVID-19. Authorizes the Court of Claims to issue rules necessary for the administration of the Program. Requires annual reports to the Governor and General Assembly. Amends the Line of Duty Compensation Act. Creates a benefit of \$100,000 for health care workers who die as a result of COVID-19. Defines terms. Effective immediately.

LRB101 21471 JLS 72140 b

FISCAL NOTE ACT
MAY APPLY

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 Court of Claims Act is amended by adding
5 Section 9.7 as follows:

6 (705 ILCS 505/9.7 new)

7 Sec. 9.7. COVID-19 Family Assistance Program.

8 (a) In this Section:

9 "COVID-19" means the illness caused by the coronavirus
10 SARS-CoV-2.

11 (b) Within the Court of Claims, there is established a
12 COVID-19 Family Assistance Program, which is charged with the
13 responsibility of providing assistance to families of persons
14 who die as a result of COVID-19.

15 (c) A family is entitled to assistance under this Section
16 if, within one year after the death of a family member
17 resulting from COVID-19, an application is filed, under oath,
18 with the Court of Claims and on a form prescribed by the Court
19 of Claims.

20 (d) The amount of assistance under this Section is \$50,000
21 payable in a lump sum. Payments under this Section are subject
22 to appropriation.

23 (e) The Court shall issue rules necessary for the

1 administration of the COVID-19 Family Assistance Program.

2 (f) On or before January 1 of each year, the Court of
3 Claims shall report to the Governor and to the General Assembly
4 the following information:

5 (1) the number of claims filed with the Court of Claims
6 under this Section;

7 (2) the number of claims approved for payment by the
8 Court of Claims during the preceding calendar year; and

9 (3) other information as may be requested by the
10 Governor.

11 Section 10. The Line of Duty Compensation Act is amended by
12 changing Sections 2, 3, and 4 as follows:

13 (820 ILCS 315/2) (from Ch. 48, par. 282)

14 Sec. 2. As used in this Act, unless the context otherwise
15 requires:

16 (a) "Law enforcement officer" or "officer" means any person
17 employed by the State or a local governmental entity as a
18 policeman, peace officer, auxiliary policeman or in some like
19 position involving the enforcement of the law and protection of
20 the public interest at the risk of that person's life. This
21 includes supervisors, wardens, superintendents and their
22 assistants, guards and keepers, correctional officers, youth
23 supervisors, parole agents, aftercare specialists, school
24 teachers and correctional counsellors in all facilities of both

1 the Department of Corrections and the Department of Juvenile
2 Justice, while within the facilities under the control of the
3 Department of Corrections or the Department of Juvenile Justice
4 or in the act of transporting inmates or wards from one
5 location to another or while performing their official duties,
6 and all other Department of Correction or Department of
7 Juvenile Justice employees who have daily contact with inmates.

8 The death of the foregoing employees of the Department of
9 Corrections or the Department of Juvenile Justice in order to
10 be included herein must be by the direct or indirect willful
11 act of an inmate, ward, work-releasee, parolee, aftercare
12 releasee, parole violator, aftercare release violator, person
13 under conditional release, or any person sentenced or
14 committed, or otherwise subject to confinement in or to the
15 Department of Corrections or the Department of Juvenile
16 Justice.

17 (b) "Fireman" means any person employed by the State or a
18 local governmental entity as, or otherwise serving as, a member
19 or officer of a fire department either for the purpose of the
20 prevention or control of fire or the underwater recovery of
21 drowning victims, including volunteer firemen.

22 (c) "Local governmental entity" includes counties,
23 municipalities and municipal corporations.

24 (d) "State" means the State of Illinois and its
25 departments, divisions, boards, bureaus, commissions,
26 authorities and colleges and universities.

1 (e) "Killed in the line of duty" means losing one's life as
2 a result of injury received in the active performance of duties
3 as a law enforcement officer, civil defense worker, civil air
4 patrol member, paramedic, fireman, or chaplain if the death
5 occurs within one year from the date the injury was received
6 and if that injury arose from violence or other accidental
7 cause. In the case of health care worker, "killed in the line
8 of duty" means losing one's life as a result of COVID-19. In
9 the case of a State employee, "killed in the line of duty"
10 means losing one's life as a result of injury received in the
11 active performance of one's duties as a State employee, if the
12 death occurs within one year from the date the injury was
13 received and if that injury arose from a willful act of
14 violence by another State employee committed during such other
15 employee's course of employment and after January 1, 1988. The
16 term excludes death resulting from the willful misconduct or
17 intoxication of the officer, civil defense worker, civil air
18 patrol member, paramedic, fireman, chaplain, or State
19 employee. However, the burden of proof of such willful
20 misconduct or intoxication of the officer, civil defense
21 worker, civil air patrol member, paramedic, fireman, chaplain,
22 or State employee is on the Attorney General. Subject to the
23 conditions set forth in subsection (a) with respect to
24 inclusion under this Act of Department of Corrections and
25 Department of Juvenile Justice employees described in that
26 subsection, for the purposes of this Act, instances in which a

1 law enforcement officer receives an injury in the active
2 performance of duties as a law enforcement officer include but
3 are not limited to instances when:

4 (1) the injury is received as a result of a wilful act
5 of violence committed other than by the officer and a
6 relationship exists between the commission of such act and
7 the officer's performance of his duties as a law
8 enforcement officer, whether or not the injury is received
9 while the officer is on duty as a law enforcement officer;

10 (2) the injury is received by the officer while the
11 officer is attempting to prevent the commission of a
12 criminal act by another or attempting to apprehend an
13 individual the officer suspects has committed a crime,
14 whether or not the injury is received while the officer is
15 on duty as a law enforcement officer;

16 (3) the injury is received by the officer while the
17 officer is travelling to or from his employment as a law
18 enforcement officer or during any meal break, or other
19 break, which takes place during the period in which the
20 officer is on duty as a law enforcement officer.

21 In the case of an Armed Forces member, "killed in the line
22 of duty" means losing one's life while on active duty in
23 connection with the September 11, 2001 terrorist attacks on the
24 United States, Operation Enduring Freedom, Operation Freedom's
25 Sentinel, Operation Iraqi Freedom, Operation New Dawn, or
26 Operation Inherent Resolve.

1 (f) "Volunteer fireman" means a person having principal
2 employment other than as a fireman, but who is carried on the
3 rolls of a regularly constituted fire department either for the
4 purpose of the prevention or control of fire or the underwater
5 recovery of drowning victims, the members of which are under
6 the jurisdiction of the corporate authorities of a city,
7 village, incorporated town, or fire protection district, and
8 includes a volunteer member of a fire department organized
9 under the "General Not for Profit Corporation Act", approved
10 July 17, 1943, as now or hereafter amended, which is under
11 contract with any city, village, incorporated town, fire
12 protection district, or persons residing therein, for fire
13 fighting services. "Volunteer fireman" does not mean an
14 individual who volunteers assistance without being regularly
15 enrolled as a fireman.

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

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

1 (i) "Paramedic" means an Emergency Medical
2 Technician-Paramedic certified by the Illinois Department of
3 Public Health under the Emergency Medical Services (EMS)
4 Systems Act, and all other emergency medical personnel
5 certified by the Illinois Department of Public Health who are
6 members of an organized body or not-for-profit corporation
7 under the jurisdiction of a city, village, incorporated town,
8 fire protection district or county, that provides emergency
9 medical treatment to persons of a defined geographical area.

10 (j) "State employee" means any employee as defined in
11 Section 14-103.05 of the Illinois Pension Code, as now or
12 hereafter amended.

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

14 (1) is a chaplain of (i) a fire department or (ii) a
15 police department or other agency consisting of law
16 enforcement officers; and

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

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

1 United States while on active military service pursuant to an
2 order of the President of the United States.

3 (m) "COVID-19" means the illness caused by the coronavirus
4 SARS-CoV-2.

5 (n) "Health care worker" means a person who has the
6 potential to be exposed to patients and infectious materials
7 such as contaminated medical supplies, contaminated equipment,
8 contaminated environmental surfaces, and contaminated air.
9 "Health care worker" includes, but is not limited to,
10 physicians, nurses, nursing assistants, technicians, emergency
11 medical service personnel, laboratory personnel, and persons
12 not directly involved in patient care such as dietary,
13 house-keeping, laundry, security, maintenance, and volunteers,
14 but who are potentially exposed to infectious diseases.

15 (Source: P.A. 100-226, eff. 8-18-17.)

16 (820 ILCS 315/3) (from Ch. 48, par. 283)

17 Sec. 3. Duty death benefit.

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

1 chaplain, State employee, or Armed Forces member. However, if
2 the Armed Forces member was killed in the line of duty before
3 October 18, 2004, the claim must be made within one year of
4 October 18, 2004. In the case of a health care worker, if a
5 claim therefor in made within one year of the date of death as
6 a result of COVID-19, compensation shall be paid to the person
7 designated by the deceased.

8 (b) The amount of compensation, except for an Armed Forces
9 member or health care worker, shall be \$10,000 if the death in
10 the line of duty occurred prior to January 1, 1974; \$20,000 if
11 such death occurred after December 31, 1973 and before July 1,
12 1983; \$50,000 if such death occurred on or after July 1, 1983
13 and before January 1, 1996; \$100,000 if the death occurred on
14 or after January 1, 1996 and before May 18, 2001; \$118,000 if
15 the death occurred on or after May 18, 2001 and before July 1,
16 2002; and \$259,038 if the death occurred on or after July 1,
17 2002 and before January 1, 2003. For an Armed Forces member
18 killed in the line of duty (i) at any time before January 1,
19 2005, the compensation is \$259,038 plus amounts equal to the
20 increases for 2003 and 2004 determined under subsection (c) and
21 (ii) on or after January 1, 2005, the compensation is the
22 amount determined under item (i) plus the applicable increases
23 for 2005 and thereafter determined under subsection (c). For a
24 health care worker whose death is the result of COVID-19,
25 compensation shall be \$100,000 and shall not be adjusted as
26 provided in subsection (c).

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

13 (d) If no beneficiary is designated or if no designated
14 beneficiary survives at the death of the law enforcement
15 officer, civil defense worker, civil air patrol member,
16 paramedic, fireman, chaplain, or State employee killed in the
17 line of duty or health care worker killed as a result of
18 COVID-19, the compensation shall be paid in accordance with a
19 legally binding will left by the law enforcement officer, civil
20 defense worker, civil air patrol member, paramedic, fireman,
21 chaplain, health care worker, or State employee. If the law
22 enforcement officer, civil defense worker, civil air patrol
23 member, paramedic, fireman, chaplain, health care worker, or
24 State employee did not leave a legally binding will, the
25 compensation shall be paid as follows:

26 (1) when there is a surviving spouse, the entire sum

1 shall be paid to the spouse;

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

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

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

18 The changes made to this subsection (d) by this amendatory Act
19 of the 94th General Assembly apply to any pending case as long
20 as compensation has not been paid to any party before the
21 effective date of this amendatory Act of the 94th General
22 Assembly.

23 (d-1) For purposes of subsection (d), in the case of a
24 person killed in the line of duty who was born out of wedlock
25 and was not an adoptive child at the time of the person's
26 death, a person shall be deemed to be a parent of the person

1 killed in the line of duty only if that person would be an
2 eligible parent, as defined in Section 2-2 of the Probate Act
3 of 1975, of the person killed in the line of duty. This
4 subsection (d-1) applies to any pending claim if compensation
5 was not paid to the claimant of the pending claim before the
6 effective date of this amendatory Act of the 94th General
7 Assembly.

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

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

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

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

26 (e) If there is no beneficiary designated or if no

1 designated beneficiary survives at the death of the law
2 enforcement officer, civil defense worker, civil air patrol
3 member, paramedic, fireman, chaplain, State employee, or Armed
4 Forces member killed in the line of duty or health care worker
5 killed as a result of COVID-19, and there is no other person or
6 entity to whom compensation is payable under this Section, no
7 compensation shall be payable under this Act.

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

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

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

1 total benefit claimed regardless of the manner in which the
2 Court of Claims adjudicates the claim.

3 (i) The Court of Claims shall ensure that all individuals
4 who have filed an application to claim the duty death benefit
5 for a deceased member of the Armed Forces pursuant to this
6 Section or for a fireman pursuant to this Section, or their
7 designated representative, shall have access, on a timely basis
8 and in an efficient manner, to all information related to the
9 court's consideration, processing, or adjudication of the
10 claim, including, but not limited to, the following:

11 (1) a reliable estimate of when the Court of Claims
12 will adjudicate the claim, or if the Court cannot estimate
13 when it will adjudicate the claim, a full written
14 explanation of the reasons for this inability; and

15 (2) a reliable estimate, based upon consultation with
16 the Comptroller, of when the benefit will be paid to the
17 claimant.

18 (j) The Court of Claims shall send written notice to all
19 claimants within 2 weeks of the initiation of a claim
20 indicating whether or not the application is complete. For
21 purposes of this subsection (j), an application is complete if
22 a claimant has submitted to the Court of Claims all documents
23 and information the Court requires for adjudicating and paying
24 the benefit amount. For purposes of this subsection (j), a
25 claim for the duty death benefit is initiated when a claimant
26 submits any of the application materials required for

1 adjudicating the claim to the Court of Claims. In the event a
2 claimant's application is incomplete, the Court shall include
3 in its written notice a list of the information or documents
4 which the claimant must submit in order for the application to
5 be complete. In no case may the Court of Claims deny a claim
6 and subsequently re-adjudicate the same claim for the purpose
7 of evading or reducing the interest penalty payment amount
8 payable to any claimant.

9 (Source: P.A. 95-928, eff. 8-26-08; 96-539, eff. 1-1-10;
10 96-923, eff. 1-1-11.)

11 (820 ILCS 315/4) (from Ch. 48, par. 284)

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

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

22 (b) the names and addresses of person or persons
23 designated by the officer, civil defense worker, civil air
24 patrol member, paramedic, fireman, chaplain, State
25 employee, health care worker, or Armed Forces member to

1 receive the compensation and, if more than one, the
2 percentage or share to be paid to each such person, or if
3 there has been no such designation, the name and address of
4 the personal representative of the estate of the officer,
5 civil defense worker, civil air patrol member, paramedic,
6 fireman, chaplain, State employee, health care worker, or
7 Armed Forces member;

8 (c) a full, factual account of the circumstances
9 resulting in or the course of events causing the death of
10 the officer, civil defense worker, civil air patrol member,
11 paramedic, fireman, chaplain, State employee, health care
12 worker, or Armed Forces member; and

13 (d) such other information as the Court of Claims
14 reasonably requires.

15 When a claim is filed, the Attorney General shall make an
16 investigation for substantiation of matters set forth in such
17 an application.

18 For the 2 years immediately following the effective date of
19 this amendatory act of the 96th General Assembly, the Court of
20 Claims shall direct the Comptroller to pay a
21 "Modified-Eligibility Line of Duty Benefit" to eligible late
22 claimants who file a claim for the benefit. A claim for a
23 Modified-Eligibility Line of Duty Benefit must include all the
24 application materials and documents required for all other
25 claims payable under this Act, except as otherwise provided in
26 this Section 4. For purposes of this Section 4 only, an

1 "eligible late claimant" is a person who would have been
2 eligible, at any time after September 11, 2001, to apply for
3 and receive payment of a claim pursuant to this Act in
4 connection with the death of an Armed Forces member killed in
5 the line of duty or a fireman killed in the line of duty, but
6 did not receive the award payment because:

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

10 (2) having met all other preconditions for applying for
11 and receiving the award payment, the claimant did not file
12 a claim because the claim would not have been filed within
13 the time limitation set forth in subsection (a) of Section
14 3 of this Act. For purposes of this Section 4 only, the
15 "Modified-Eligibility Line of Duty Benefit" is an amount of
16 money payable to eligible late claimants equal to the
17 amount set forth in Section 3 of this Act payable to
18 claimants seeking payment of awards under Section 3 of this
19 Act for claims made thereunder in the year in which the
20 claim for the Modified-Eligibility Line of Duty Benefit is
21 made. Within 6 months of receiving a complete claim for the
22 Modified-Eligibility Line of Duty Benefit, the Court of
23 Claims must direct the Comptroller to pay the benefit
24 amount to the eligible late claimant.

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

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.