

HB2922



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB2922

Introduced 2/19/2021, by Rep. Avery Bourne

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.

LRB102 12776 JLS 18115 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 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 counsellors 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 Correction or

1 Department of Juvenile Justice employees who have daily
2 contact with inmates.

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

12 (b) "Fireman" means any person employed by the State or a
13 local governmental entity as, or otherwise serving as, a
14 member or officer of a fire department either for the purpose
15 of the prevention or control of fire or the underwater
16 recovery of drowning victims, including volunteer firemen.

17 (c) "Local governmental entity" includes counties,
18 municipalities and municipal corporations.

19 (d) "State" means the State of Illinois and its
20 departments, divisions, boards, bureaus, commissions,
21 authorities and colleges and universities.

22 (e) "Killed in the line of duty" means losing one's life as
23 a result of injury received in the active performance of
24 duties as a law enforcement officer, civil defense worker,
25 civil air patrol member, paramedic, fireman, ~~or~~ chaplain,
26 animal control officer, or animal warden, if the death occurs

1 within one year from the date the injury was received and if
2 that injury arose from violence or other accidental cause. In
3 the case of a State employee, "killed in the line of duty"
4 means losing one's life as a result of injury received in the
5 active performance of one's duties as a State employee, if the
6 death occurs within one year from the date the injury was
7 received and if that injury arose from a willful act of
8 violence by another State employee committed during such other
9 employee's course of employment and after January 1, 1988. The
10 term excludes death resulting from the willful misconduct or
11 intoxication of the officer, civil defense worker, civil air
12 patrol member, paramedic, fireman, chaplain, animal control
13 officer, animal warden, or State employee. However, the burden
14 of proof of such willful misconduct or intoxication of the
15 officer, civil defense worker, civil air patrol member,
16 paramedic, fireman, chaplain, animal control officer, animal
17 warden, or State employee is on the Attorney General. Subject
18 to the conditions set forth in subsection (a) with respect to
19 inclusion under this Act of Department of Corrections and
20 Department of Juvenile Justice employees described in that
21 subsection, for the purposes of this Act, instances in which a
22 law enforcement officer receives an injury in the active
23 performance of duties as a law enforcement officer include but
24 are not limited to instances when:

25 (1) the injury is received as a result of a wilful act
26 of violence committed other than by the officer and a

1 relationship exists between the commission of such act and
2 the officer's performance of his duties as a law
3 enforcement officer, whether or not the injury is received
4 while the officer is on duty as a law enforcement officer;

5 (2) the injury is received by the officer while the
6 officer is attempting to prevent the commission of a
7 criminal act by another or attempting to apprehend an
8 individual the officer suspects has committed a crime,
9 whether or not the injury is received while the officer is
10 on duty as a law enforcement officer;

11 (3) the injury is received by the officer while the
12 officer is travelling to or from his employment as a law
13 enforcement officer or during any meal break, or other
14 break, which takes place during the period in which the
15 officer is on duty as a law enforcement officer.

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

22 (f) "Volunteer fireman" means a person having principal
23 employment other than as a fireman, but who is carried on the
24 rolls of a regularly constituted fire department either for
25 the purpose of the prevention or control of fire or the
26 underwater recovery of drowning victims, the members of which

1 are under the jurisdiction of the corporate authorities of a
2 city, village, incorporated town, or fire protection district,
3 and includes a volunteer member of a fire department organized
4 under the "General Not for Profit Corporation Act", approved
5 July 17, 1943, as now or hereafter amended, which is under
6 contract with any city, village, incorporated town, fire
7 protection district, or persons residing therein, for fire
8 fighting services. "Volunteer fireman" does not mean an
9 individual who volunteers assistance without being regularly
10 enrolled as a fireman.

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

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

22 (i) "Paramedic" means an Emergency Medical
23 Technician-Paramedic certified by the Illinois Department of
24 Public Health under the Emergency Medical Services (EMS)
25 Systems Act, and all other emergency medical personnel
26 certified by the Illinois Department of Public Health who are

1 members of an organized body or not-for-profit corporation
2 under the jurisdiction of a city, village, incorporated town,
3 fire protection district or county, that provides emergency
4 medical treatment to persons of a defined geographical area.

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

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

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

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

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

24 (m) "Animal control officer or animal warden" means an
25 employee of a State or local governmental entity appointed or
26 employed to enforce State and local animal regulation statutes

1 and protect public health and safety.

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

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

4 Sec. 3. Duty death benefit.

5 (a) If a claim therefor is made within one year of the date
6 of death of a law enforcement officer, civil defense worker,
7 civil air patrol member, paramedic, fireman, chaplain, animal
8 control officer, animal warden, or State employee killed in
9 the line of duty, or if a claim therefor is made within 2 years
10 of the date of death of an Armed Forces member killed in the
11 line of duty, compensation shall be paid to the person
12 designated by the law enforcement officer, civil defense
13 worker, civil air patrol member, paramedic, fireman, chaplain,
14 animal control officer, animal warden, State employee, or
15 Armed Forces member. However, if the Armed Forces member was
16 killed in the line of duty before October 18, 2004, the claim
17 must be 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
25 death occurred on or after May 18, 2001 and before July 1,

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

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

22 (d) If no beneficiary is designated or if no designated
23 beneficiary survives at the death of the law enforcement
24 officer, civil defense worker, civil air patrol member,
25 paramedic, fireman, chaplain, animal control officer, animal
26 warden, or State employee killed in the line of duty, the

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

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

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

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

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

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

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

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

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

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

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

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

1 there are 2 or more beneficiaries, at least one of whom would
2 receive at least a portion of the total benefit regardless of
3 the manner in which the Court of Claims resolves the claim, the
4 Court shall direct the Comptroller to pay the minimum amount
5 of money which the determinate beneficiary would receive
6 together with all interest payment penalties which have
7 accrued on that portion of the award being paid within 30 days
8 of the effective date of this amendatory Act of the 96th
9 General Assembly. For purposes of this subsection (h),
10 "determinate beneficiary" means the beneficiary who would
11 receive any portion of the total benefit claimed regardless of
12 the manner in which the 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 for a fireman pursuant to this Section, or their
17 designated representative, shall have access, on a timely
18 basis and in an efficient manner, to all information related
19 to the court's consideration, processing, or adjudication of
20 the claim, including, but not limited to, 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. 95-928, eff. 8-26-08; 96-539, eff. 1-1-10;
20 96-923, eff. 1-1-11.)

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,
24 within the time specified by that Section with the Court of
25 Claims on an application prescribed and furnished by the

1 Attorney General and setting forth:

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

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

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

25 (d) such other information as the Court of Claims
26 reasonably requires.

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

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

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

22 (2) having met all other preconditions for applying
23 for and receiving the award payment, the claimant did not
24 file a claim because the claim would not have been filed
25 within the time limitation set forth in subsection (a) of
26 Section 3 of this Act. For purposes of this Section 4 only,

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

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