



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3388

Introduced 2/17/2023, by Rep. Dave Vella

SYNOPSIS AS INTRODUCED:

705 ILCS 505/24
820 ILCS 315/3

from Ch. 37, par. 439.24
from Ch. 48, par. 283

Amends the Court of Claims Act. Provides that, for the purpose of making up any deficiency in the appropriation for the payment of claims directed pursuant to the Line of Duty Compensation Act, there is appropriated, on a continuing annual basis in each fiscal year, from the General Revenue Fund to the Court of Claims, the amount, if any, by which the total appropriation for the payment of claims directed pursuant to the Line of Duty Compensation Act for the fiscal year is less than the amount required for the payment of claims pursuant to the Line of Duty Compensation Act for that fiscal year. Provides that the amount of any continuing appropriation used by the Court of Claims under the amendatory Act for a given fiscal year shall be charged against the unexpended amount of any appropriation for line of duty awards to the Court of Claims for that fiscal year that subsequently becomes available. Requires the Court of Claims to report to the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, and the Governor's Office of Management and Budget on any continuing appropriation that is used at the conclusion of a fiscal year. Amends the Line of Duty Compensation Act. Provides that if a claim is made within 2 years (rather than one year) of the date of death of a law enforcement officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, or State employee killed in the line of duty, compensation shall be paid to the person designated by the law enforcement officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, or State employee. Effective immediately.

LRB103 30986 SPS 57587 b

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 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
9 the purposes of this Section the Court may direct immediate
10 payment 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
17 Guardsman's and Naval Militiaman's Compensation Act",
18 approved August 12, 1971, as amended.

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

21 (d-5) All claims against the State for unjust
22 imprisonment as provided in subsection (c) of Section 8 of
23 this Act.

1 (e) All other claims wherein the amount of the award
2 of the Court is less than \$50,000.

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

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

26 (3.5) The interest penalty payment provided for in

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

15 (3.6) In addition to the interest payments provided for in
16 subsections (3) and (3.5), the Court shall direct the
17 Comptroller to add a "catch-up" payment to the claims of
18 eligible claimants. For the purposes of this subsection (3.6),
19 an "eligible claimant" is a claimant whose claim is not paid in
20 the year in which it was filed. For purposes of this subsection
21 (3.6), "'catch-up' payment" is defined as the difference
22 between the amount paid to claimants whose claims were filed
23 in the year in which the eligible claimant's claim is paid and
24 the amount paid to claimants whose claims were filed in the
25 year in which the eligible claimant filed his or her claim. The
26 "catch-up" payment is payable simultaneously with the claim

1 award.

2 (3.7) For the purpose of making up any deficiency in the
3 appropriation for the payment of claims directed pursuant to
4 the Line of Duty Compensation Act, there is hereby
5 appropriated, on a continuing annual basis in each fiscal
6 year, from the General Revenue Fund to the Court of Claims, the
7 amount, if any, by which the total appropriation for the
8 payment of claims directed pursuant to the Line of Duty
9 Compensation Act for the fiscal year is less than the amount
10 required for the payment of claims pursuant to the Line of Duty
11 Compensation Act for that fiscal year. The amount of any
12 continuing appropriation used by the Court of Claims under
13 this subsection (3.7) for a given fiscal year shall be charged
14 against the unexpended amount of any appropriation for line of
15 duty awards to the Court of Claims for that fiscal year that
16 subsequently becomes available. The Court of Claims shall
17 report to the President and Minority Leader of the Senate, the
18 Speaker and Minority Leader of the House of Representatives,
19 and the Governor's Office of Management and Budget on any
20 continuing appropriation that is used at the conclusion of a
21 fiscal year.

22 (4) From funds appropriated by the General Assembly for
23 the purposes of paying claims under paragraph (c) of Section
24 8, the court must direct payment of each claim and the payment
25 must be received by the claimant within 60 days after the date
26 that the funds are appropriated for that purpose.

1 (Source: P.A. 100-1124, eff. 11-27-18.)

2 Section 10. The Line of Duty Compensation Act is amended
3 by changing Section 3 as follows:

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

22 (b) The amount of compensation, except for an Armed Forces
23 member, shall be \$10,000 if the death in the line of duty
24 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, or State employee killed in the
5 line of duty, the compensation shall be paid in accordance
6 with a legally binding will left by the law enforcement
7 officer, civil defense worker, civil air patrol member,
8 paramedic, fireman, chaplain, or State employee. If the law
9 enforcement officer, civil defense worker, civil air patrol
10 member, paramedic, fireman, chaplain, or State employee did
11 not leave a legally binding will, the compensation shall be
12 paid as follows:

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

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

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

22 (4) when there is no surviving spouse, descendant or
23 parent of the decedent, but there are surviving brothers
24 or sisters, or descendants of a brother or sister, who
25 were receiving their principal support from the decedent
26 at his death, the entire sum shall be paid, in equal parts,

1 to the dependent brothers or sisters or dependent
2 descendant of a brother or sister. Dependency shall be
3 determined by the Court of Claims based upon the
4 investigation and report of the Attorney General.

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

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

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

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

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

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

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

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

25 (h) In any case for which benefits have not been paid
26 within 6 months of the claim being filed in accordance with

1 this Section, which is pending as of the effective date of this
2 amendatory Act of the 96th General Assembly, and in which
3 there are 2 or more beneficiaries, at least one of whom would
4 receive at least a portion of the total benefit regardless of
5 the manner in which the Court of Claims resolves the claim, the
6 Court shall direct the Comptroller to pay the minimum amount
7 of money which the determinate beneficiary would receive
8 together with all interest payment penalties which have
9 accrued on that portion of the award being paid within 30 days
10 of the effective date of this amendatory Act of the 96th
11 General Assembly. For purposes of this subsection (h),
12 "determinate beneficiary" means the beneficiary who would
13 receive any portion of the total benefit claimed regardless of
14 the manner in which the Court of Claims adjudicates the claim.

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

23 (1) a reliable estimate of when the Court of Claims
24 will adjudicate the claim, or if the Court cannot estimate
25 when it will adjudicate the claim, a full written
26 explanation of the reasons for this inability; and

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

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

21 (Source: P.A. 102-215, eff. 7-30-21.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.