

1 AN ACT concerned military funeral honors.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Military Code of Illinois is amended by
5 adding Article IV-A as follows:

6 (20 ILCS 1805/Art. IV-A heading new)

7 ARTICLE IV-A. MILITARY FUNERAL HONORS

8 (20 ILCS 1805/28.1 new)

9 Sec. 28.1. Purpose. This Article establishes the
10 Illinois Military Funeral Honors Program to ensure, subject
11 to the appropriation of adequate funds, an appropriate final
12 tribute to deceased veterans and Governors in the absence of
13 federal military funeral honors or funeral honors provided by
14 veteran organizations. This Article establishes procedures
15 that ensure this tribute on behalf of a grateful citizenry to
16 honor deceased veterans in recognition of their service to
17 the State of Illinois and to the United States of America.
18 The rendering of military funeral honors is the ceremonial
19 paying of respects and final demonstration of gratitude to
20 those who, in times of war and peace, have faithfully
21 defended freedom.

22 (20 ILCS 1805/28.2 new)

23 Sec. 28.2. Administration. The Adjutant General of
24 Illinois, as Director of the Department of Military Affairs,
25 shall administer the Military Funeral Honors Program.

26 (20 ILCS 1805/28.3 new)

27 Sec. 28.3. State funeral honors. The funeral honors
28 entitlement established by this Article may be provided to an

1 eligible veteran only if (i) a request for military funeral
2 honors has been made on behalf of the deceased veteran to
3 federal authorities and (ii) military funeral honors are not
4 to be provided by federal authorities, regardless of the
5 reason. Governors are entitled to funeral honors without a
6 federal request.

7 (20 ILCS 1805/28.4 new)

8 Sec. 28.4. Eligibility. Only veterans and Governors are
9 eligible for military funeral honors under this Article. In
10 this Article, "veteran" means an Illinois resident who is a
11 veteran as defined in subsection (h) of Section 1491 of Title
12 10 of the United States Code. Governors are eligible for
13 military funeral honors because of their service as
14 Commander-in-Chief of the military forces of the State of
15 Illinois.

16 (20 ILCS 1805/28.5 new)

17 Sec. 28.5. Waiver authority.

18 (a) With approval of the Governor, the Adjutant General
19 may waive the requirement established in Section 28.3 of this
20 Article if the Adjutant General determines in writing that it
21 is in the best interests of the State of Illinois to do so.

22 (b) Waiver authority under this Section may be delegated
23 only to the Assistant Adjutant General for Army or the
24 Assistant Adjutant General for Air.

25 (20 ILCS 1805/28.6 new)

26 Sec. 28.6. Policy.

27 (a) A member of the Army National Guard or the Air
28 National Guard may be ordered to funeral honors duty in
29 accordance with this Article. That member shall receive an
30 allowance of \$50 for any day on which a minimum of 2 hours of
31 funeral honors duty is performed. Members of the Illinois

1 National Guard ordered to funeral honors duty in accordance
2 with this Article are considered to be in the active service
3 of the State for all purposes except for pay, and the
4 provisions of Sections 52, 53, 54, 55, and 56 of the Military
5 Code of Illinois apply if a member of the Illinois National
6 Guard is injured or disabled in the course of those duties.

7 (b) The Adjutant General may provide support for other
8 authorized providers who volunteer to participate in a
9 funeral honors detail conducted on behalf of the Governor.
10 This support is limited to transportation, reimbursement for
11 transportation, expenses, materials, and training.

12 (20 ILCS 1805/28.8 new)

13 Sec. 28.8. Rules. The Adjutant General, as Director of
14 the Department of Military Affairs, must adopt appropriate
15 rules to implement this program.

16 (20 ILCS 1805/28.9 new)

17 Sec. 28.9. Availability of funds. Nothing in this
18 Article establishes any entitlement to military funeral
19 honors if the Adjutant General determines that Illinois
20 National Guard personnel are not available to perform those
21 honors or if adequate appropriated funds are not available to
22 fund this program.

23 Section 99. Effective date. This Act takes effect on
24 January 1, 2002.