



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB5138

by Rep. Michael P. McAuliffe

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/5-154

from Ch. 108 1/2, par. 5-154

30 ILCS 805/8.32 new

Amends the Chicago Police Article of the Illinois Pension Code. Beginning January 1, 2009, increases the duty disability benefit to 75% of the current salary attached from time to time to the rank held by the policeman at the time of removal from the police department payroll. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB095 19740 AMC 46110 b

FISCAL NOTE ACT  
MAY APPLY

PENSION IMPACT  
NOTE ACT MAY  
APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT concerning public employee benefits.

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

4 Section 5. The Illinois Pension Code is amended by changing  
5 Section 5-154 as follows:

6 (40 ILCS 5/5-154) (from Ch. 108 1/2, par. 5-154)

7 Sec. 5-154. Duty disability benefit; child's disability  
8 benefit.

9 (a) An active policeman who becomes disabled on or after  
10 the effective date as the result of injury incurred on or after  
11 such date in the performance of an act of duty, has a right to  
12 receive duty disability benefit during any period of such  
13 disability for which he does not have a right to receive  
14 salary, equal to 75% of his salary, as salary is defined in  
15 this Article, at the time the disability is allowed; or in the  
16 case of a policeman on duty disability who returns to active  
17 employment at any time for a period of at least 2 years and is  
18 again disabled from the same cause or causes, 75% of his  
19 salary, as salary is defined in this Article, at the time  
20 disability is allowed; provided, however, that:

21 (i) If the disability resulted from any physical defect  
22 or mental disorder or any disease which existed at the time  
23 the injury was sustained, or if the disability is less than

1 50% of total disability for any service of a remunerative  
2 character, the duty disability benefit shall be 50% of  
3 salary as defined in this Article.

4 (ii) Beginning January 1, 1996, no duty disability  
5 benefit that has been payable under this Section for at  
6 least 10 years shall be less than 50% of the current salary  
7 attached from time to time to the rank held by the  
8 policeman at the time of removal from the police department  
9 payroll, regardless of whether that removal occurred  
10 before the effective date of this amendatory Act of 1995.  
11 Beginning on January 1, 2000, no duty disability benefit  
12 that has been payable under this Section for at least 7  
13 years shall be less than 60% of the current salary attached  
14 from time to time to the rank held by the policeman at the  
15 time of removal from the police department payroll,  
16 regardless of whether that removal occurred before the  
17 effective date of this amendatory Act of the 92nd General  
18 Assembly. Beginning on January 1, 2009, no duty disability  
19 benefit that is payable under this Section shall be less  
20 than 75% of the current salary attached from time to time  
21 to the rank held by the policeman at the time of removal  
22 from the police department payroll, regardless of whether  
23 that removal occurred before the effective date of this  
24 amendatory Act of the 95th General Assembly.

25 ~~(iii) If the Board finds that the disability of the~~  
26 ~~policeman is of such a nature as to permanently render him~~

1 ~~totally disabled for any service of a remunerative~~  
2 ~~character, the duty disability benefit shall be 75% of the~~  
3 ~~current salary attached from time to time to the rank held~~  
4 ~~by the policeman at the time of removal from the police~~  
5 ~~department payroll. In the case of a policeman receiving a~~  
6 ~~duty disability benefit under this Section on the effective~~  
7 ~~date of this amendatory Act of the 92nd General Assembly,~~  
8 ~~the increase in benefit provided by this amendatory Act, if~~  
9 ~~any, shall begin to accrue as of the date that the Board~~  
10 ~~makes the required finding of permanent total disability,~~  
11 ~~regardless of whether removal from the payroll occurred~~  
12 ~~before the effective date of this amendatory Act.~~

13 (b) The policeman shall also have a right to child's  
14 disability benefit of \$100 per month for each unmarried child,  
15 the issue of the policeman, less than age 18, but the total  
16 amount of child's disability benefit shall not exceed 25% of  
17 his salary as defined in this Article. The increase in child's  
18 disability benefit provided by this amendatory Act of the 92nd  
19 General Assembly applies beginning January 1, 2000 to all such  
20 benefits payable on or after that date, regardless of whether  
21 the disabled policeman is in active service on or after the  
22 effective date of this amendatory Act.

23 (c) Duty disability benefit shall be payable until the  
24 policeman becomes age 63 or would have been retired by  
25 operation of law, whichever is later, and child's disability  
26 benefit shall be paid during any such period of disability

1 until the child attains age 18. Thereafter the policeman shall  
2 receive the annuity provided in accordance with the other  
3 provisions of this Article.

4 (d) A policeman who suffers a heart attack during the  
5 performance and discharge of his or her duties as a policeman  
6 shall be considered injured in the performance of an act of  
7 duty and shall be eligible for all benefits that the City  
8 provides for police officers injured in the performance of an  
9 act of duty. This subsection (d) is a restatement of existing  
10 law and applies without regard to whether the policeman is in  
11 service on or after the effective date of Public Act 89-12 or  
12 this amendatory Act of 1996.

13 (Source: P.A. 92-52, eff. 7-12-01.)

14 Section 90. The State Mandates Act is amended by adding  
15 Section 8.32 as follows:

16 (30 ILCS 805/8.32 new)

17 Sec. 8.32. Exempt mandate. Notwithstanding Sections 6 and 8  
18 of this Act, no reimbursement by the State is required for the  
19 implementation of any mandate created by this amendatory Act of  
20 the 95th General Assembly.

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