



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB3162

Introduced 2/17/2023, by Rep. Jay Hoffman

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/5-154	from Ch. 108 1/2, par. 5-154
40 ILCS 5/6-151	from Ch. 108 1/2, par. 6-151
30 ILCS 805/8.47 new	

Amends the Chicago Police and Chicago Firefighter Articles of the Illinois Pension Code. Establishes a presumption that a fireman or policeman who becomes disabled as a result of exposure to and contraction of COVID-19 was injured in the line of duty and is entitled to receive a duty disability benefit under the applicable Article of the Code. Specifies that the changes made by the amendatory Act apply retroactively to March 9, 2020, and any policeman or fireman who has been previously denied a duty disability benefit that would otherwise be entitled to a duty disability benefit under the amendatory Act shall be entitled to a retroactive duty disability benefit. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB103 30861 JDS 57372 b

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

A BILL FOR

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  
5 changing Sections 5-154 and 6-151 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  
22 defect or mental disorder or any disease which existed at  
23 the time the injury was sustained, or if the disability is

1 less than 50% of total disability for any service of a  
2 remunerative character, the duty disability benefit shall  
3 be 50% of 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  
9 department payroll, regardless of whether that removal  
10 occurred before the effective date of this amendatory Act  
11 of 1995. Beginning on January 1, 2000, no duty disability  
12 benefit that has been payable under this Section for at  
13 least 7 years shall be less than 60% of the current salary  
14 attached from time to time to the rank held by the  
15 policeman at the time of removal from the police  
16 department payroll, regardless of whether that removal  
17 occurred before the effective date of this amendatory Act  
18 of the 92nd General Assembly.

19 (iii) If the Board finds that the disability of the  
20 policeman is of such a nature as to permanently render him  
21 totally disabled for any service of a remunerative  
22 character, the duty disability benefit shall be 75% of the  
23 current salary attached from time to time to the rank held  
24 by the policeman at the time of removal from the police  
25 department payroll. In the case of a policeman receiving a  
26 duty disability benefit under this Section on the

1 effective date of this amendatory Act of the 92nd General  
2 Assembly, the increase in benefit provided by this  
3 amendatory Act, if any, shall begin to accrue as of the  
4 date that the Board makes the required finding of  
5 permanent total disability, regardless of whether removal  
6 from the payroll occurred before the effective date of  
7 this amendatory Act.

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

18 (c) Duty disability benefit shall be payable until the  
19 policeman becomes age 63 or would have been retired by  
20 operation of law, whichever is later, and child's disability  
21 benefit shall be paid during any such period of disability  
22 until the child attains age 18. Thereafter the policeman shall  
23 receive the annuity provided in accordance with the other  
24 provisions of this Article.

25 (d) A policeman who suffers a heart attack during the  
26 performance and discharge of his or her duties as a policeman

1 shall be considered injured in the performance of an act of  
2 duty and shall be eligible for all benefits that the City  
3 provides for police officers injured in the performance of an  
4 act of duty. This subsection (d) is a restatement of existing  
5 law and applies without regard to whether the policeman is in  
6 service on or after the effective date of Public Act 89-12 or  
7 this amendatory Act of 1996.

8 (e) For the purposes of this Section only, any policeman  
9 who becomes disabled as a result of exposure to and  
10 contraction of COVID-19, as evidenced by either a confirmed  
11 positive laboratory test for COVID-19 or COVID-19 antibodies  
12 or a confirmed diagnosis of COVID-19 from a licensed medical  
13 professional, shall:

14 (1) be rebuttably presumed to have contracted COVID-19  
15 while in the performance of an act or acts of duty;

16 (2) be rebuttably presumed to have been injured while  
17 in the performance of an act or acts of duty; and

18 (3) be entitled to receive a duty disability benefit  
19 during any period of such disability for which the  
20 policeman does not have a right to receive salary, in an  
21 amount equal to 75% of the policeman's salary, as salary  
22 is defined in this Article, at the time the disability is  
23 allowed, in accordance with subsection (a).

24 The presumption shall apply to any policeman who was  
25 exposed to and contracted COVID-19 on or after March 9, 2020  
26 and on or before June 30, 2021; except that the presumption

1 shall not apply if the policeman was on a leave of absence from  
2 his or her employment or otherwise not required to report for  
3 duty for a period of 14 or more consecutive days immediately  
4 prior to the date of contraction of COVID-19. For the purposes  
5 of determining when a policeman contracted COVID-19 under this  
6 paragraph, the date of contraction is either the date that the  
7 policeman was diagnosed with COVID-19 or was unable to work  
8 due to symptoms that were later diagnosed as COVID-19,  
9 whichever occurred first.

10 It is the intent of the General Assembly that the change  
11 made in this subsection (e) by this amendatory Act shall apply  
12 retroactively to March 9, 2020, and any policeman who has been  
13 previously denied a duty disability benefit that would  
14 otherwise be entitled to duty disability benefit under this  
15 subsection (e) shall be entitled to retroactive benefits and  
16 duty disability benefit.

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

18 (40 ILCS 5/6-151) (from Ch. 108 1/2, par. 6-151)

19 Sec. 6-151. An active fireman who is or becomes disabled  
20 on or after the effective date as the result of a specific  
21 injury, or of cumulative injuries, or of specific sickness  
22 incurred in or resulting from an act or acts of duty, shall  
23 have the right to receive duty disability benefit during any  
24 period of such disability for which he does not receive or have  
25 a right to receive salary, equal to 75% of his salary at the

1 time the disability is allowed. However, beginning January 1,  
2 1994, no duty disability benefit that has been payable under  
3 this Section for at least 10 years shall be less than 50% of  
4 the current salary attached from time to time to the rank and  
5 grade held by the fireman at the time of his removal from the  
6 Department payroll, regardless of whether that removal  
7 occurred before the effective date of this amendatory Act of  
8 1993.

9 Whenever an active fireman is or becomes so injured or  
10 sick, as to require medical or hospital attention, the chief  
11 officer of the fire department of the city shall file, or cause  
12 to be filed, with the board a report of the nature and cause of  
13 his disability, together with the certificate or report of the  
14 physician attending or treating, or who attended or treated  
15 the fireman, and a copy of any hospital record concerning the  
16 disability. Any injury or sickness not reported to the board  
17 in time to permit the board's physician to examine the fireman  
18 before his recovery, and any injury or sickness for which a  
19 physician's report or copy of the hospital record is not on  
20 file with the board shall not be considered for the payment of  
21 duty disability benefit.

22 Such fireman shall also receive a child's disability  
23 benefit of \$30 per month on account of each unmarried child,  
24 the issue of the fireman or legally adopted by him, who is less  
25 than 18 years of age or handicapped and dependent upon the  
26 fireman for support. The total amount of child's disability

1 benefit shall not exceed 25% of his salary at the time the  
2 disability is allowed.

3 The first payment of duty disability or child's disability  
4 benefit shall be made not later than one month after the  
5 benefit is granted. Each subsequent payment shall be made not  
6 later than one month after the date of the latest payment.

7 Duty disability benefit shall be payable during the period  
8 of the disability until the fireman reaches the age of  
9 compulsory retirement. Child's disability benefit shall be  
10 paid to such a fireman during the period of disability until  
11 such child or children attain age 18 or marries, whichever  
12 event occurs first; except that attainment of age 18 by a child  
13 who is so physically or mentally handicapped as to be  
14 dependent upon the fireman for support, shall not render the  
15 child ineligible for child's disability benefit. The fireman  
16 shall thereafter receive such annuity or annuities as are  
17 provided for him in accordance with other provisions of this  
18 Article.

19 For the purposes of this Section only, any fireman who  
20 becomes disabled as a result of exposure to and contraction of  
21 COVID-19, as evidenced by either a confirmed positive  
22 laboratory test for COVID-19 or COVID-19 antibodies or a  
23 confirmed diagnosis of COVID-19 from a licensed medical  
24 professional shall:

25 (1) be rebuttably presumed to have contracted COVID-19  
26 while in the performance of an act or acts of duty;



1           (2) be rebuttably presumed to have been injured while  
2           in the performance of an act or acts of duty; and

3           (3) be entitled to receive a duty disability benefit  
4           during any period of such disability for which the fireman  
5           does not have a right to receive salary, in an amount equal  
6           to 75% of the fireman's salary, as salary is defined in  
7           this Article, at the time the disability is allowed, in  
8           accordance with this Section.

9           The presumption shall apply to any fireman who was exposed  
10          to and contracted COVID-19 on or after March 9, 2020 and on or  
11          before June 30, 2021; except that the presumption shall not  
12          apply if the fireman was on a leave of absence from his or her  
13          employment or otherwise not required to report for duty for a  
14          period of 14 or more consecutive days immediately prior to the  
15          date of contraction of COVID-19. For the purposes of  
16          determining when a fireman contracted COVID-19 under this  
17          paragraph, the date of contraction is either the date that the  
18          fireman was diagnosed with COVID-19 or was unable to work due  
19          to symptoms that were later diagnosed as COVID-19, whichever  
20          occurred first.

21          It is the intent of the General Assembly that the change  
22          made by this amendatory Act shall apply retroactively to March  
23          9, 2020, and any fireman who has been previously denied a duty  
24          disability benefit that would otherwise be entitled to duty  
25          disability benefit under this Section shall be entitled to  
26          retroactive benefits and duty disability benefit.

1 (Source: P.A. 95-279, eff. 1-1-08.)

2 Section 90. The State Mandates Act is amended by adding  
3 Section 8.47 as follows:

4 (30 ILCS 805/8.47 new)

5 Sec. 8.47. Exempt mandate. Notwithstanding Sections 6 and  
6 8 of this Act, no reimbursement by the State is required for  
7 the implementation of any mandate created by this amendatory  
8 Act of the 103rd General Assembly.

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.