



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2918

Introduced 1/26/2024, by Sen. Robert F. Martwick

SYNOPSIS AS INTRODUCED:

| | |
|---------------------------|-----------------------------|
| 65 ILCS 5/10-1-18.3 new | |
| 65 ILCS 5/10-1-47 | from Ch. 24, par. 10-1-47 |
| 65 ILCS 5/10-2.1-17.5 new | |
| 65 ILCS 5/10-2.1-24 | from Ch. 24, par. 10-2.1-24 |

Amends the Illinois Municipal Code. Provides that a physical or mental disability that constitutes, in whole or in part, the basis of an application for benefits under the Downstate Police Article of the Illinois Pension Code may not be used, in whole or in part, as a cause for a municipality to discharge a police officer. Provides that, upon a chief of the police department's receipt of a certification from the board of trustees under the Downstate Police Article of the Illinois Pension Code that a police officer is no longer disabled and is able to resume the duties of his or her position, the police officer shall report to the chief of the police department. Provides that the chief of the police department shall thereupon order immediate reinstatement into active service, and the municipality shall immediately return the police officer to its payroll, in the same rank or grade held at the date he or she retired for disability under the Downstate Police Article of the Illinois Pension Code. Provides that the police officer shall then report to the chief of the police department. Provides that the chief of the police department shall thereupon order immediate reinstatement into active service, and the municipality shall immediately return the police officer to its payroll, in the same rank or grade held at the date he or she retired for disability under the Downstate Police Article of the Illinois Pension Code.

LRB103 36395 RPS 66497 b

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 5. The Illinois Municipal Code is amended by
5 changing Sections 10-1-47 and 10-2.1-24 and by adding Sections
6 10-1-18.3 and 10-2.1-17.5 as follows:

7 (65 ILCS 5/10-1-18.3 new)

8 Sec. 10-1-18.3. Disability as a cause for discharge;
9 prohibited. A physical or mental disability that constitutes,
10 in whole or in part, the basis of an application for benefits
11 under Article 3 of the Illinois Pension Code may not be used,
12 in whole or in part, as a cause for a municipality to discharge
13 a police officer.

14 (65 ILCS 5/10-1-47) (from Ch. 24, par. 10-1-47)

15 Sec. 10-1-47. An employee who has been on disability leave
16 or military leave granted by the commission and who wishes to
17 return to active duty in his certified position shall be
18 credited with seniority for the period of such leave and, if
19 otherwise qualified, shall be reinstated to his certified
20 position at the rank or grade held at the start of the leave,
21 not more than 60 days after his written request for
22 reinstatement is filed with the commission. Such request shall

1 be filed not more than 30 days after termination of the
2 disability or military or naval service.

3 Upon the chief of the police department's receipt of a
4 certification under Section 3-116 of the Illinois Pension Code
5 that a police officer is no longer disabled and is able to
6 resume the duties of his or her position, the police officer
7 shall report to the chief of the police department. The chief
8 of the police department shall thereupon order immediate
9 reinstatement into active service, and the municipality shall
10 immediately return the police officer to its payroll, in the
11 same rank or grade held at the date he or she retired for
12 disability under Article 3 of the Illinois Pension Code.

13 (Source: Laws 1963, p. 1116.)

14 (65 ILCS 5/10-2.1-17.5 new)

15 Sec. 10-2.1-17.5. Disability as a cause for discharge;
16 prohibited. A physical or mental disability that constitutes,
17 in whole or in part, the basis of an application for benefits
18 under Article 3 of the Illinois Pension Code may not be used,
19 in whole or in part, as a cause for a municipality to discharge
20 a police officer.

21 (65 ILCS 5/10-2.1-24) (from Ch. 24, par. 10-2.1-24)

22 Sec. 10-2.1-24. Return to active duty. A person who has
23 been on disability or military leave granted by the board and
24 who wishes to return to active duty in his certified position

1 shall be credited with seniority for the period of such leave
2 and, if otherwise qualified, shall be reinstated to his
3 certified position at the rank or grade held at the start of
4 the leave, not more than 60 days after his written request for
5 reinstatement is filed with the board. Such request shall be
6 filed not more than 30 days after termination of the
7 disability or military or naval service.

8 Upon receipt of a certification under Section 3-116 of the
9 Illinois Pension Code that a police officer is no longer
10 disabled and is able to resume the duties of his or her
11 position, the police officer shall then report to the chief of
12 the police department. The chief of the police department
13 shall thereupon order immediate reinstatement into active
14 service, and the municipality shall immediately return the
15 police officer to its payroll, in the same rank or grade held
16 at the date he or she retired for disability under Article 3 of
17 the Illinois Pension Code.

18 (Source: Laws 1965, p. 2840.)