

# HB1439



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB1439

Introduced 2/17/2021, by Rep. Emanuel Chris Welch

### SYNOPSIS AS INTRODUCED:

40 ILCS 5/4-110

from Ch. 108 1/2, par. 4-110

Amends the Downstate Firefighter Article of the Illinois Pension Code. Makes a technical change in a Section concerning a disability pension.

LRB102 03455 RPS 13468 b

PENSION IMPACT  
NOTE ACT MAY  
APPLY

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 Section 4-110 as follows:

6 (40 ILCS 5/4-110) (from Ch. 108 1/2, par. 4-110)

7 Sec. 4-110. Disability pension - Line of duty. If a  
8 firefighter, as the ~~the~~ result of sickness, accident or injury  
9 incurred in or resulting from the performance of an act of duty  
10 or from the cumulative effects of acts of duty, is found,  
11 pursuant to Section 4-112, to be physically or mentally  
12 permanently disabled for service in the fire department, so as  
13 to render necessary his or her being placed on disability  
14 pension, the firefighter shall be entitled to a disability  
15 pension equal to the greater of (1) 65% of the monthly salary  
16 attached to the rank held by him or her in the fire department  
17 at the date he or she is removed from the municipality's fire  
18 department payroll or (2) the retirement pension that the  
19 firefighter would be eligible to receive if he or she retired  
20 (but not including any automatic annual increase in that  
21 retirement pension). A firefighter shall be considered "on  
22 duty" while on any assignment approved by the chief of the fire  
23 department, even though away from the municipality he or she

1 serves as a firefighter, if the assignment is related to the  
2 fire protection service of the municipality.

3 Such firefighter shall also be entitled to a child's  
4 disability benefit of \$20 a month on account of each unmarried  
5 child less than 18 years of age and dependent upon the  
6 firefighter for support, either the issue of the firefighter  
7 or legally adopted by him or her. The total amount of child's  
8 disability benefit payable to the firefighter, when added to  
9 his or her disability pension, shall not exceed 75% of the  
10 amount of salary which the firefighter was receiving at the  
11 date of retirement.

12 Benefits payable on account of a child under this Section  
13 shall not be reduced or terminated by reason of the child's  
14 attainment of age 18 if he or she is then dependent by reason  
15 of a physical or mental disability but shall continue to be  
16 paid as long as such dependency continues. Individuals over  
17 the age of 18 and adjudged to be disabled persons pursuant to  
18 Article XIa of the Probate Act of 1975, except for persons  
19 receiving benefits under Article III of the Illinois Public  
20 Aid Code, shall be eligible to receive benefits under this  
21 Act.

22 If a firefighter dies while still disabled and receiving a  
23 disability pension under this Section, the disability pension  
24 shall continue to be paid to the firefighter's survivors in  
25 the sequence provided in Section 4-114. A pension previously  
26 granted under Section 4-114 to a survivor of a firefighter who

1 died while receiving a disability pension under this Section  
2 shall be deemed to be a continuation of the pension provided  
3 under this Section and shall be deemed to be in the nature of  
4 worker's compensation payments. The changes to this Section  
5 made by this amendatory Act of 1995 are intended to be  
6 retroactive and are not limited to persons in service on or  
7 after its effective date.

8 (Source: P.A. 93-1090, eff. 3-11-05.)