



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4321

Introduced 1/16/2024, by Rep. John M. Cabello

SYNOPSIS AS INTRODUCED:

40 ILCS 5/3-114.1	from Ch. 108 1/2, par. 3-114.1
40 ILCS 5/4-110	from Ch. 108 1/2, par. 4-110
30 ILCS 805/8.47 new	

Amends the Downstate Police and Downstate Firefighter Articles of the Illinois Pension Code. Establishes a presumption that a firefighter or police officer 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 police officer or firefighter 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 34092 JDS 63909 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 3-114.1 and 4-110 as follows:

6 (40 ILCS 5/3-114.1) (from Ch. 108 1/2, par. 3-114.1)

7 Sec. 3-114.1. Disability pension; line pension ~~Line~~ of
8 duty.

9 (a) If a police officer as the result of sickness,
10 accident or injury incurred in or resulting from the
11 performance of an act of duty, is found to be physically or
12 mentally disabled for service in the police department, so as
13 to render necessary his or her suspension or retirement from
14 the police service, the police officer shall be entitled to a
15 disability retirement pension equal to the greatest of (1) 65%
16 of the salary attached to the rank on the police force held by
17 the officer at the date of suspension of duty or retirement,
18 (2) the retirement pension that the police officer would be
19 eligible to receive if he or she retired (but not including any
20 automatic annual increase in that retirement pension), or (3)
21 the pension provided under subsection (d), if applicable.

22 A police officer shall be considered "on duty" while on
23 any assignment approved by the chief of the police department

1 of the municipality he or she serves, whether the assignment
2 is within or outside the municipality.

3 (b) If a police officer on disability pension dies while
4 still disabled, the disability pension shall continue to be
5 paid to his or her survivors in the sequence provided in
6 Section 3-112.

7 (c) From and after July 1, 1987, any pension payable under
8 this Section shall be at least \$400 per month, without regard
9 to the fact that the disability or death of the police officer
10 occurred prior to that date. If the minimum pension
11 established in Section 3-113.1 is greater than the minimum
12 provided in this Section, the Section 3-113.1 minimum
13 controls.

14 (d) A disabled police officer who (1) is receiving a
15 pension under this Section on the effective date of this
16 amendatory Act of the 91st General Assembly, (2) files with
17 the Fund, within 30 days after that effective date and
18 annually thereafter while the pension remains payable, a
19 written application for the benefits of this subsection,
20 including an affidavit stating that the applicant has not
21 earned any income from gainful employment during the most
22 recently concluded tax year and a copy of his or her most
23 recent Illinois income tax return, (3) has service credit in
24 the Fund for at least 7 years of active duty, and (4) has been
25 receiving the pension under this Section for a period which,
26 when added to the officer's total service credit in the Fund,

1 equals at least 20 years, shall be eligible to receive an
2 annual noncompounded increase in his or her pension under this
3 Section, equal to 3% of the original pension.

4 The Fund may take appropriate steps to verify the
5 applicant's disability and earnings status, and for this
6 purpose may request from the Department of Revenue a certified
7 copy of the applicant's Illinois income tax return for any
8 year for which a benefit under this Section is payable or has
9 been paid.

10 The annual increase shall accrue on each anniversary of
11 the initial pension payment date, for so long as the pension
12 remains payable to the disabled police officer and the
13 required annual application is made, except that the annual
14 increases under this subsection shall cease if the disabled
15 police officer earns income from gainful employment. Within 60
16 days after accepting an initial application under this
17 subsection, the Fund shall pay to the disabled police officer,
18 in a lump sum without interest, the amounts resulting from the
19 annual increases that have accrued retroactively.

20 This subsection is not limited to persons in active
21 service on or after its effective date, but it applies only to
22 a pension that is payable under this Section to a disabled
23 police officer (rather than a survivor). Upon the death of the
24 disabled police officer, the annuity payable under this
25 Section to his or her survivors shall include any annual
26 increases previously received, but no additional increases

1 shall accrue under this subsection.

2 (e) For the purposes of this Section only, any police
3 officer who becomes disabled as a result of exposure to and
4 contraction of COVID-19, as evidenced by either a confirmed
5 positive laboratory test for COVID-19 or COVID-19 antibodies
6 or a confirmed diagnosis of COVID-19 from a licensed medical
7 professional, shall:

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

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

12 (3) be entitled to receive, at the time the disability
13 is allowed in accordance with Section 3-115, a disability
14 retirement pension under this Section during any period of
15 such disability for which the police officer does not have
16 a right to receive salary.

17 The presumption shall apply to any police officer who was
18 exposed to and contracted COVID-19 on or after March 9, 2020
19 and on or before June 30, 2021; except that the presumption
20 shall not apply if the police officer was on a leave of absence
21 from his or her employment or otherwise not required to report
22 for duty for a period of 14 or more consecutive days
23 immediately prior to the date of contraction of COVID-19. For
24 the purposes of determining when a police officer contracted
25 COVID-19 under this paragraph, the date of contraction is
26 either the date that the police officer was diagnosed with

1 COVID-19 or was unable to work due to symptoms that were later
2 diagnosed as COVID-19, whichever occurred first.

3 It is the intent of the General Assembly that the change
4 made in this subsection (e) by this amendatory Act of the 103rd
5 General Assembly shall apply retroactively to March 9, 2020,
6 and any police officer who has been previously denied a
7 disability retirement pension under this Section who would
8 otherwise be entitled to a disability retirement pension under
9 this subsection (e) shall be entitled to retroactive benefits
10 and a disability retirement pension under this Section.

11 (Source: P.A. 91-939, eff. 2-1-01.)

12 (40 ILCS 5/4-110) (from Ch. 108 1/2, par. 4-110)

13 Sec. 4-110. Disability pension; line pension — ~~Line~~ of
14 duty. If a firefighter, as the result of sickness, accident or
15 injury incurred in or resulting from the performance of an act
16 of duty or from the cumulative effects of acts of duty, is
17 found, pursuant to Section 4-112, to be physically or mentally
18 permanently disabled for service in the fire department, so as
19 to render necessary his or her being placed on disability
20 pension, the firefighter shall be entitled to a disability
21 pension equal to the greater of (1) 65% of the monthly salary
22 attached to the rank held by him or her in the fire department
23 at the date he or she is removed from the municipality's fire
24 department payroll or (2) the retirement pension that the
25 firefighter would be eligible to receive if he or she retired

1 (but not including any automatic annual increase in that
2 retirement pension). A firefighter shall be considered "on
3 duty" while on any assignment approved by the chief of the fire
4 department, even though away from the municipality he or she
5 serves as a firefighter, if the assignment is related to the
6 fire protection service of the municipality.

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

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

26 If a firefighter dies while still disabled and receiving a

1 disability pension under this Section, the disability pension
2 shall continue to be paid to the firefighter's survivors in
3 the sequence provided in Section 4-114. A pension previously
4 granted under Section 4-114 to a survivor of a firefighter who
5 died while receiving a disability pension under this Section
6 shall be deemed to be a continuation of the pension provided
7 under this Section and shall be deemed to be in the nature of
8 worker's compensation payments. The changes to this Section
9 made by this amendatory Act of 1995 are intended to be
10 retroactive and are not limited to persons in service on or
11 after its effective date.

12 For the purposes of this Section only, any firefighter who
13 becomes disabled as a result of exposure to and contraction of
14 COVID-19, as evidenced by either a confirmed positive
15 laboratory test for COVID-19 or COVID-19 antibodies or a
16 confirmed diagnosis of COVID-19 from a licensed medical
17 professional, shall:

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

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

22 (3) be entitled to receive, at the time the disability
23 is allowed in accordance with Section 4-112, a disability
24 pension under this Section during any period of such
25 disability for which the firefighter does not have a right
26 to receive salary.

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

13 It is the intent of the General Assembly that the change
14 made by this amendatory Act of the 103rd General Assembly
15 shall apply retroactively to March 9, 2020, and any
16 firefighter who has been previously denied a disability
17 pension under this Section who would otherwise be entitled to
18 a disability pension under this Section shall be entitled to
19 retroactive benefits and a disability pension under this
20 Section.

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

22 Section 90. The State Mandates Act is amended by adding
23 Section 8.47 as follows:

24 (30 ILCS 805/8.47 new)

1 Sec. 8.47. Exempt mandate. Notwithstanding Sections 6 and
2 8 of this Act, no reimbursement by the State is required for
3 the implementation of any mandate created by this amendatory
4 Act of the 103rd General Assembly.

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.