



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

#### HB5104

Introduced 2/8/2024, by Rep. Jay Hoffman - Brad Stephens

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/5-144	from Ch. 108 1/2, par. 5-144
40 ILCS 5/5-153	from Ch. 108 1/2, par. 5-153
40 ILCS 5/5-154	from Ch. 108 1/2, par. 5-154
30 ILCS 805/8.48 new	

Amends the Chicago Police Article of the Illinois Pension Code. In provisions concerning death benefits and disability benefits, provides that certain presumptions that apply to a policeman who becomes disabled or dies as a result of exposure to and contraction of COVID-19 apply to any policeman who was exposed to and contracted COVID-19 on or after March 9, 2020 and on or before January 31, 2022 (instead of on or before June 30, 2021). Amends the State Mandates Act require implementation without reimbursement. Effective immediately.

LRB103 38081 RPS 68213 b

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  
5 changing Sections 5-144, 5-153, and 5-154 as follows:

6 (40 ILCS 5/5-144) (from Ch. 108 1/2, par. 5-144)

7 Sec. 5-144. Death from injury in the performance of acts  
8 of duty; compensation annuity and supplemental annuity.

9 (a) Beginning January 1, 1986, and without regard to  
10 whether or not the annuity in question began before that date,  
11 if the annuity for the widow of a policeman whose death, on or  
12 after January 1, 1940, results from injury incurred in the  
13 performance of an act or acts of duty, is not equal to the sum  
14 hereinafter stated, "compensation annuity" equal to the  
15 difference between the annuity and an amount equal to 75% of  
16 the policeman's salary attached to the position he held by  
17 certification and appointment as a result of competitive civil  
18 service examination that would ordinarily have been paid to  
19 him as though he were in active discharge of his duties shall  
20 be payable to the widow until the policeman, had he lived,  
21 would have attained age 63. The total amount of the widow's  
22 annuity and children's awards payable to the family of such  
23 policeman shall not exceed the amounts stated in Section

1 5-152.

2 For the purposes of this Section only, the death of any  
3 policeman as a result of the exposure to and contraction of  
4 COVID-19, as evidenced by either (i) a confirmed positive  
5 laboratory test for COVID-19 or COVID-19 antibodies or (ii) a  
6 confirmed diagnosis of COVID-19 from a licensed medical  
7 professional, shall be rebuttably presumed to have been  
8 contracted while in the performance of an act or acts of duty  
9 and the policeman shall be rebuttably presumed to have been  
10 fatally injured while in active service. The presumption shall  
11 apply to any policeman who was exposed to and contracted  
12 COVID-19 on or after March 9, 2020 and on or before January 31,  
13 2022 ~~June 30, 2021~~ (including the period between December 31,  
14 2020 and the effective date of this amendatory Act of the 101st  
15 General Assembly); except that the presumption shall not apply  
16 if the policeman was on a leave of absence from his or her  
17 employment or otherwise not required to report for duty for a  
18 period of 14 or more consecutive days immediately prior to the  
19 date of contraction of COVID-19. For the purposes of  
20 determining when a policeman contracted COVID-19 under this  
21 paragraph, the date of contraction is either the date that the  
22 policeman was diagnosed with COVID-19 or was unable to work  
23 due to symptoms that were later diagnosed as COVID-19,  
24 whichever occurred first.

25 The provisions of this Section, as amended by Public Act  
26 84-1104, including the reference to the date upon which the

1 deceased policeman would have attained age 63, shall apply to  
2 all widows of policemen whose death occurs on or after January  
3 1, 1940 due to injury incurred in the performance of an act of  
4 duty, regardless of whether such death occurred prior to  
5 September 17, 1969. For those widows of policemen that died  
6 prior to September 17, 1969, who became eligible for  
7 compensation annuity by the action of Public Act 84-1104, such  
8 compensation annuity shall begin and be calculated from  
9 January 1, 1986. The provisions of this amendatory Act of 1987  
10 are intended to restate and clarify the intent of Public Act  
11 84-1104, and do not make any substantive change.

12 (b) Upon termination of the compensation annuity,  
13 "supplemental annuity" shall become payable to the widow,  
14 equal to the difference between the annuity for the widow and  
15 an amount equal to 75% of the annual salary (including all  
16 salary increases and longevity raises) that the policeman  
17 would have been receiving when he attained age 63 if the  
18 policeman had continued in service at the same rank (whether  
19 career service or exempt) that he last held in the police  
20 department. The increase in supplemental annuity resulting  
21 from this amendatory Act of the 92nd General Assembly applies  
22 without regard to whether the deceased policeman was in  
23 service on or after the effective date of this amendatory Act  
24 and is payable from July 1, 2002 or the date upon which the  
25 supplemental annuity begins, whichever is later.

26 (c) Neither compensation nor supplemental annuity shall be

1 paid unless the death of the policeman was a direct result of  
2 the injury, or the injury was of such character as to prevent  
3 him from subsequently resuming service as a policeman; nor  
4 shall compensation or supplemental annuity be paid unless the  
5 widow was the wife of the policeman when the injury occurred.

6 (Source: P.A. 101-633, eff. 6-5-20; 101-653, eff. 2-28-21.)

7 (40 ILCS 5/5-153) (from Ch. 108 1/2, par. 5-153)

8 Sec. 5-153. Death benefit.

9 (a) Effective January 1, 1962, an ordinary death benefit  
10 is payable on account of any policeman in service and in  
11 receipt of salary on or after such date, which benefit is in  
12 addition to all other annuities and benefits herein provided.  
13 This benefit is payable upon death of a policeman:

14 (1) occurring in active service while in receipt of  
15 salary;

16 (2) on an authorized and approved leave of absence,  
17 without salary, beginning on or after January 1, 1962, if  
18 the death occurs within 60 days from the date the employee  
19 was in receipt of salary; or otherwise in the service and  
20 not separated by resignation or discharge beginning  
21 January 1, 1962 if death occurs before his resignation or  
22 discharge from the service;

23 (3) receiving duty disability or ordinary disability  
24 benefit;

25 (4) occurring within 60 days from the date of

1 termination of duty disability or ordinary disability  
2 benefit payments if re-entry into service had not  
3 occurred; or

4 (5) occurring on retirement and while in receipt of an  
5 age and service annuity, Tier 2 monthly retirement  
6 annuity, or prior service annuity; provided (a) retirement  
7 on such annuity occurred on or after January 1, 1962, and  
8 (b) such separation from service was effective on or after  
9 the policeman's attainment of age 50, and (c) application  
10 for such annuity was made within 60 days after separation  
11 from service.

12 (b) The ordinary death benefit is payable to such  
13 beneficiary or beneficiaries as the policeman has nominated by  
14 written direction duly signed and acknowledged before an  
15 officer authorized to take acknowledgments, and filed with the  
16 board. If no such written direction has been filed or if the  
17 designated beneficiaries do not survive the policeman, payment  
18 of the benefit shall be made to his estate.

19 (c) Until December 31, 1977, if death occurs prior to  
20 retirement on annuity and before the policeman's attainment of  
21 age 50, the amount of the benefit payable is \$6,000. If death  
22 occurs prior to retirement, at age 50 or over, the benefit of  
23 \$6,000 shall be reduced \$400 for each year (commencing on the  
24 policeman's attainment of age 50, and thereafter on each  
25 succeeding birthdate) that the policeman's age, at date of  
26 death, is more than age 50, but in no event below the amount of

1 \$2,000. However, if death results from injury incurred in the  
2 performance of an act or acts of duty, prior to retirement on  
3 annuity, the amount of the benefit payable is \$6,000  
4 notwithstanding the age attained.

5       Until December 31, 1977, if the policeman's death occurs  
6 while he is in receipt of an annuity, the benefit is \$2,000 if  
7 retirement was effective upon attainment of age 55 or greater.  
8 If the policeman retired at age 50 or over and before age 55,  
9 the benefit of \$2,000 shall be reduced \$100 for each year or  
10 fraction of a year that the policeman's age at retirement was  
11 less than age 55 to a minimum payment of \$1,500.

12       After December 31, 1977, and on or before January 1, 1986,  
13 if death occurs prior to retirement on annuity and before the  
14 policeman's attainment of age 50, the amount of the benefit  
15 payable is \$7,000. If death occurs prior to retirement, at age  
16 50 or over, the benefit of \$7,000 shall be reduced \$400 for  
17 each year (commencing on the policeman's attainment of age 50,  
18 and thereafter on each succeeding birthdate) that the  
19 policeman's age, at date of death, is more than age 50, but in  
20 no event below the amount of \$3,000. However, if death results  
21 from injury incurred in the performance of an act or acts of  
22 duty, prior to retirement on annuity, the amount of the  
23 benefit payable is \$7,000 notwithstanding the age attained.

24       After December 31, 1977, and on or before January 1, 1986,  
25 if the policeman's death occurs while he is in receipt of an  
26 annuity, the benefit is \$2,250 if retirement was effective

1 upon attainment of age 55 or greater. If the policeman retired  
2 at age 50 or over and before age 55, the benefit of \$2,250  
3 shall be reduced \$100 for each year or fraction of a year that  
4 the policeman's age at retirement was less than age 55 to a  
5 minimum payment of \$1,750.

6 After January 1, 1986, if death occurs prior to retirement  
7 on annuity and before the policeman's attainment of age 50,  
8 the amount of benefit payable is \$12,000. If death occurs  
9 prior to retirement, at age 50 or over, the benefit of \$12,000  
10 shall be reduced \$400 for each year (commencing on the  
11 policeman's attainment of age 50, and thereafter on each  
12 succeeding birthdate) that the policeman's age, at date of  
13 death, is more than age 50, but in no event below the amount of  
14 \$6,000. However, if death results from injury in the  
15 performance of an act or acts of duty, prior to retirement on  
16 annuity, the amount of benefit payable is \$12,000  
17 notwithstanding the age attained.

18 After January 1, 1986, if the policeman's death occurs  
19 while he is in receipt of an annuity, the benefit is \$6,000.

20 (d) For the purposes of this Section only, the death of any  
21 policeman as a result of the exposure to and contraction of  
22 COVID-19, as evidenced by either (i) a confirmed positive  
23 laboratory test for COVID-19 or COVID-19 antibodies or (ii) a  
24 confirmed diagnosis of COVID-19 from a licensed medical  
25 professional, shall be rebuttably presumed to have been  
26 contracted while in the performance of an act or acts of duty



1 and the policeman shall be rebuttably presumed to have been  
2 fatally injured while in active service. The presumption shall  
3 apply to any policeman who was exposed to and contracted  
4 COVID-19 on or after March 9, 2020 and on or before January 31,  
5 2022 ~~June 30, 2021~~ (including the period between December 31,  
6 2020 and the effective date of this amendatory Act of the 101st  
7 General Assembly); except that the presumption shall not apply  
8 if the policeman was on a leave of absence from his or her  
9 employment or otherwise not required to report for duty for a  
10 period of 14 or more consecutive days immediately prior to the  
11 date of contraction of COVID-19. For the purposes of  
12 determining when a policeman contracted COVID-19 under this  
13 subsection, the date of contraction is either the date that  
14 the policeman was diagnosed with COVID-19 or was unable to  
15 work due to symptoms that were later diagnosed as COVID-19,  
16 whichever occurred first.

17 (Source: P.A. 101-633, eff. 6-5-20; 101-653, eff. 2-28-21.)

18 (40 ILCS 5/5-154) (from Ch. 108 1/2, par. 5-154)

19 Sec. 5-154. Duty disability benefit; child's disability  
20 benefit.

21 (a) An active policeman who becomes disabled on or after  
22 the effective date as the result of injury incurred on or after  
23 such date in the performance of an act of duty, has a right to  
24 receive duty disability benefit during any period of such  
25 disability for which he does not have a right to receive

1 salary, equal to 75% of his salary, as salary is defined in  
2 this Article, at the time the disability is allowed; or in the  
3 case of a policeman on duty disability who returns to active  
4 employment at any time for a period of at least 2 years and is  
5 again disabled from the same cause or causes, 75% of his  
6 salary, as salary is defined in this Article, at the time  
7 disability is allowed; provided, however, that:

8 (i) If the disability resulted from any physical  
9 defect or mental disorder or any disease which existed at  
10 the time the injury was sustained, or if the disability is  
11 less than 50% of total disability for any service of a  
12 remunerative character, the duty disability benefit shall  
13 be 50% of salary as defined in this Article.

14 (ii) Beginning January 1, 1996, no duty disability  
15 benefit that has been payable under this Section for at  
16 least 10 years shall be less than 50% of the current salary  
17 attached from time to time to the rank held by the  
18 policeman at the time of removal from the police  
19 department payroll, regardless of whether that removal  
20 occurred before the effective date of this amendatory Act  
21 of 1995. Beginning on January 1, 2000, no duty disability  
22 benefit that has been payable under this Section for at  
23 least 7 years shall be less than 60% of the current salary  
24 attached from time to time to the rank held by the  
25 policeman at the time of removal from the police  
26 department payroll, regardless of whether that removal

1 occurred before the effective date of this amendatory Act  
2 of the 92nd General Assembly.

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

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

1 effective date of this amendatory Act.

2 (c) Duty disability benefit shall be payable until the  
3 policeman becomes age 63 or would have been retired by  
4 operation of law, whichever is later, and child's disability  
5 benefit shall be paid during any such period of disability  
6 until the child attains age 18. Thereafter the policeman shall  
7 receive the annuity provided in accordance with the other  
8 provisions of this Article.

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

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

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

26 (2) be rebuttably presumed to have been injured while

1 in the performance of an act or acts of duty; and

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

8 The presumption shall apply to any policeman who was  
9 exposed to and contracted COVID-19 on or after March 9, 2020  
10 and on or before January 31, 2022 ~~June 30, 2021~~; except that  
11 the presumption shall not apply if the policeman was on a leave  
12 of absence from his or her employment or otherwise not  
13 required to report for duty for a period of 14 or more  
14 consecutive days immediately prior to the date of contraction  
15 of COVID-19. For the purposes of determining when a policeman  
16 contracted COVID-19 under this paragraph, the date of  
17 contraction is either the date that the policeman was  
18 diagnosed with COVID-19 or was unable to work due to symptoms  
19 that were later diagnosed as COVID-19, whichever occurred  
20 first.

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

1 duty disability benefit.

2 (Source: P.A. 103-2, eff. 5-10-23.)

3 Section 90. The State Mandates Act is amended by adding  
4 Section 8.48 as follows:

5 (30 ILCS 805/8.48 new)

6 Sec. 8.48. Exempt mandate. Notwithstanding Sections 6 and  
7 8 of this Act, no reimbursement by the State is required for  
8 the implementation of any mandate created by this amendatory  
9 Act of the 103rd General Assembly.

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