



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

HB5206

Introduced 2/5/2004, by Ralph C. Capparelli

SYNOPSIS AS INTRODUCED:

40 ILCS 5/5-154

from Ch. 108 1/2, par. 5-154

30 ILCS 805/8.28 new

Amends the Chicago Police Article of the Illinois Pension Code. Beginning January 1, 2005, increases the duty disability benefit to 75% of the current salary attached from time to time to the rank held by the policeman at the time of removal from the police department payroll. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB093 18356 LRD 46976 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

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 changing
5 Section 5-154 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 defect
22 or mental disorder or any disease which existed at the time
23 the injury was sustained, or if the disability is less than
24 50% of total disability for any service of a remunerative
25 character, the duty disability benefit shall be 50% of
26 salary as defined in this Article.

27 (ii) Beginning January 1, 1996, no duty disability
28 benefit that has been payable under this Section for at
29 least 10 years shall be less than 50% of the current salary
30 attached from time to time to the rank held by the
31 policeman at the time of removal from the police department
32 payroll, regardless of whether that removal occurred

1 before the effective date of this amendatory Act of 1995.
2 Beginning on January 1, 2000, no duty disability benefit
3 that has been payable under this Section for at least 7
4 years shall be less than 60% of the current salary attached
5 from time to time to the rank held by the policeman at the
6 time of removal from the police department payroll,
7 regardless of whether that removal occurred before the
8 effective date of this amendatory Act of the 92nd General
9 Assembly. Beginning on January 1, 2005, no duty disability
10 benefit that is payable under this Section shall be less
11 than 75% of the current salary attached from time to time
12 to the rank held by the policeman at the time of removal
13 from the police department payroll, regardless of whether
14 that removal occurred before the effective date of this
15 amendatory Act of the 93rd General Assembly.

16 ~~(iii) If the Board finds that the disability of the~~
17 ~~policeman is of such a nature as to permanently render him~~
18 ~~totally disabled for any service of a remunerative~~
19 ~~character, the duty disability benefit shall be 75% of the~~
20 ~~current salary attached from time to time to the rank held~~
21 ~~by the policeman at the time of removal from the police~~
22 ~~department payroll. In the case of a policeman receiving a~~
23 ~~duty disability benefit under this Section on the effective~~
24 ~~date of this amendatory Act of the 92nd General Assembly,~~
25 ~~the increase in benefit provided by this amendatory Act, if~~
26 ~~any, shall begin to accrue as of the date that the Board~~
27 ~~makes the required finding of permanent total disability,~~
28 ~~regardless of whether removal from the payroll occurred~~
29 ~~before the effective date of this amendatory Act.~~

30 (b) The policeman shall also have a right to child's
31 disability benefit of \$100 per month for each unmarried child,
32 the issue of the policeman, less than age 18, but the total
33 amount of child's disability benefit shall not exceed 25% of
34 his salary as defined in this Article. The increase in child's
35 disability benefit provided by this amendatory Act of the 92nd
36 General Assembly applies beginning January 1, 2000 to all such

1 benefits payable on or after that date, regardless of whether
2 the disabled policeman is in active service on or after the
3 effective date of this amendatory Act.

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

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

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

21 Section 90. The State Mandates Act is amended by adding
22 Section 8.28 as follows:

23 (30 ILCS 805/8.28 new)

24 Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and 8
25 of this Act, no reimbursement by the State is required for the
26 implementation of any mandate created by this amendatory Act of
27 the 93rd General Assembly.

28 Section 99. Effective date. This Act takes effect upon
29 becoming law.