



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4090

Introduced 7/7/2005, by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

40 ILCS 5/3-112
30 ILCS 805/8.29 new

from Ch. 108 1/2, par. 3-112

Amends the Downstate Police Article of the Illinois Pension Code. In provisions concerning survivors' benefits, defines "an act of duty" to include any action in furtherance of the police officer's official duties, regardless of whether the police officer performs these functions during scheduled work hours.

LRB094 12822 AMC 47667 b

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 3-112 as follows:

6 (40 ILCS 5/3-112) (from Ch. 108 1/2, par. 3-112)

7 Sec. 3-112. Pension to survivors.

8 (a) Upon the death of a police officer entitled to a
9 pension under Section 3-111, the surviving spouse shall be
10 entitled to the pension to which the police officer was then
11 entitled. Upon the death of the surviving spouse, or upon the
12 remarriage of the surviving spouse if that remarriage
13 terminates the surviving spouse's eligibility under Section
14 3-121, the police officer's unmarried children who are under
15 age 18 or who are dependent because of physical or mental
16 disability shall be entitled to equal shares of such pension.
17 If there is no eligible surviving spouse and no eligible child,
18 the dependent parent or parents of the officer shall be
19 entitled to receive or share such pension until their death or
20 marriage or remarriage after the death of the police officer.

21 (b) Upon the death of a police officer while in service,
22 having at least 20 years of creditable service, or upon the
23 death of a police officer who retired from service with at
24 least 20 years of creditable service, whether death occurs
25 before or after attainment of age 50, the pension earned by the
26 police officer as of the date of death as provided in Section
27 3-111 shall be paid to the survivors in the sequence provided
28 in subsection (a) of this Section.

29 (c) Upon the death of a police officer while in service,
30 having at least 10 but less than 20 years of service, a pension
31 of 1/2 of the salary attached to the rank or ranks held by the
32 officer for one year immediately prior to death shall be

1 payable to the survivors in the sequence provided in subsection
2 (a) of this Section. If death occurs as a result of the
3 performance of duty, the 10 year requirement shall not apply
4 and the pension to survivors shall be payable after any period
5 of service.

6 (d) Beginning July 1, 1987, a minimum pension of \$400 per
7 month shall be paid to all surviving spouses, without regard to
8 the fact that the death of the police officer occurred prior to
9 that date. If the minimum pension established in Section
10 3-113.1 is greater than the minimum provided in this
11 subsection, the Section 3-113.1 minimum controls.

12 (e) The pension of the surviving spouse of a police officer
13 who dies (i) on or after January 1, 2001, (ii) without having
14 begun to receive either a retirement pension payable under
15 Section 3-111 or a disability pension payable under Section
16 3-114.1, 3-114.2, 3-114.3, or 3-114.6, and (iii) as a result of
17 sickness, accident, or injury incurred in or resulting from the
18 performance of an act of duty shall not be less than 100% of
19 the salary attached to the rank held by the deceased police
20 officer on the last day of service, notwithstanding any
21 provision in this Article to the contrary. For the purposes of
22 this subsection (e), "an act of duty" includes any action in
23 furtherance of the police officer's official duties,
24 regardless of whether the police officer performs these
25 functions during scheduled work hours.

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

27 Section 90. The State Mandates Act is amended by adding
28 Section 8.29 as follows:

29 (30 ILCS 805/8.29 new)

30 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8
31 of this Act, no reimbursement by the State is required for the
32 implementation of any mandate created by this amendatory Act of
33 the 94th General Assembly.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.