



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB1445

Introduced 2/21/2007, by Rep. Michael P. McAuliffe

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/5-152

from Ch. 108 1/2, par. 5-152

30 ILCS 805/8.31 new

Amends the Chicago Police Article of the Illinois Pension Code. Provides that, for the purposes of child's annuities, no age limitation shall apply to a child who is so physically or mentally handicapped as to be unable to support himself or herself. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB095 10172 AMC 30386 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 5-152 as follows:

6 (40 ILCS 5/5-152) (from Ch. 108 1/2, par. 5-152)

7 Sec. 5-152. Child's annuity - Conditions - Amount. A  
8 child's annuity shall be payable in the following cases of  
9 policemen who die on or after the effective date: (a) A  
10 policeman whose death results from injury incurred in the  
11 performance of an act or acts of duty; (b) a policeman who dies  
12 in service from any cause; (c) a policeman who withdraws upon  
13 or after attainment of age 50 and who enters upon or is  
14 eligible for annuity; (d) a present employee with at least 20  
15 years of service who dies after withdrawal, whether or not he  
16 has entered upon annuity.

17 A child to be eligible must have been born or legally  
18 adopted before the policeman has withdrawn from service. In the  
19 case of an adopted child, the policeman shall be married and  
20 living with his wife at the time of the adoption, and the  
21 proceedings for adoption must have been initiated at least 6  
22 months prior to the policeman's death. The requirement that the  
23 proceedings for adoption be initiated at least 6 months prior

1 to the policeman's death does not apply where death occurs as a  
2 result of an act of duty.

3 Only one annuity shall be granted and paid for the benefit  
4 of any child if both parents have been policemen.

5 The annuity shall be paid, without regard to the fact that  
6 the death of the deceased policeman parent may have occurred  
7 prior to the effective date of this amendatory Act of 1975, in  
8 an amount equal to 10% of the annual maximum salary attached to  
9 the classified civil service position of a first class  
10 patrolman on July 1, 1975, or the date of the policeman's  
11 death, whichever is later, for each child while a widow or  
12 widower of the deceased policeman survives and in an amount  
13 equal to 15% of the annual maximum salary attached to the  
14 classified civil service position of a first class patrolman on  
15 July 1, 1975, or the date of the policeman's death, whichever  
16 is later, while no widow or widower shall survive, provided  
17 that if the combined annuities for the widow and children of a  
18 policeman who dies on or after September 26, 1969, as the  
19 result of an act of duty, or for the children of such policeman  
20 in any case wherein a widow or widower does not exist, exceed  
21 the salary that would ordinarily have been paid to him if he  
22 had been in the active discharge of his duties, all such  
23 annuities shall be reduced pro rata so that the combined  
24 annuities for the family shall not exceed such limitation. The  
25 compensation portion of the annuity of the widow shall not be  
26 considered in making such reduction. No age limitation in this

1 Section or Section 5-151 shall apply to a child who is so  
2 physically or mentally handicapped as to be unable to support  
3 himself or herself. Benefits payable under this Section shall  
4 not be reduced or terminated by reason of any child's  
5 attainment of age 18 if he is then dependent by reason of a  
6 physical or mental disability but shall continue to be paid as  
7 long as such dependency continues. For the purposes of this  
8 subsection, "disability" means inability to engage in any  
9 substantial gainful activity by reason of any medically  
10 determinable physical or mental impairment which can be  
11 expected to result in death or which has lasted or can be  
12 expected to last for a continuous period of not less than 12  
13 months.

14 In the case of a family of a policeman who dies on or after  
15 September 26, 1969, as the result of any cause other than the  
16 performance of an act of duty, in which annuities for such  
17 family exceed an amount equal to 60% of the salary that would  
18 ordinarily have been paid to him if he had been in the active  
19 discharge of his duties, all such annuities shall be reduced  
20 pro rata so that the combined annuities shall not exceed such  
21 limitation.

22 Child's annuity shall be paid to the parent providing for  
23 the child, unless another person is appointed by a court of law  
24 as the child's guardian.

25 (Source: P.A. 79-699; 79-881; 79-1454.)

1           Section 90. The State Mandates Act is amended by adding  
2           Section 8.31 as follows:

3           (30 ILCS 805/8.31 new)

4           Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8  
5           of this Act, no reimbursement by the State is required for the  
6           implementation of any mandate created by this amendatory Act of  
7           the 95th General Assembly.

8           Section 99. Effective date. This Act takes effect upon  
9           becoming law.