



Rep. Michael P. McAuliffe

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09500HB3079ham001

LRB095 09229 AMC 32866 a

1 AMENDMENT TO HOUSE BILL 3079

2 AMENDMENT NO. _____. Amend House Bill 3079 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by
5 changing Section 3-114.1 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 of duty.

8 (a) If a police officer as the result of sickness, accident
9 or injury incurred in or resulting from the performance of an
10 act of duty, is found to be physically or mentally disabled for
11 service in the police department, so as to render necessary his
12 or her suspension or retirement from the police service, the
13 police officer shall be entitled to a disability retirement
14 pension equal to the greatest of (1) 65% of the salary attached
15 to the rank on the police force held by the officer at the date
16 of suspension of duty or retirement, (2) the retirement pension

1 that the police officer would be eligible to receive if he or
2 she retired (but not including any automatic annual increase in
3 that retirement pension), or (3) the pension provided under
4 subsection (d), if applicable.

5 A police officer shall be considered "on duty" while on any
6 assignment approved by the chief of the police department of
7 the municipality he or she serves, whether the assignment is
8 within or outside the municipality.

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

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

19 (d) A disabled police officer who (1) is receiving a
20 pension under this Section on the effective date of this
21 amendatory Act of the 95th ~~91st~~ General Assembly, (2) files
22 with the Fund, within 60 ~~30~~ days after that effective date and
23 annually thereafter while the pension remains payable, a
24 written application for the benefits of this subsection,
25 including an affidavit stating that the applicant has not
26 earned any income from gainful employment during the most

1 recently concluded tax year and a copy of his or her most
2 recent Illinois income tax return, (3) has service credit in
3 the Fund for at least 7 years of active duty, and (4) has been
4 receiving the pension under this Section for a period which,
5 when added to the officer's total service credit in the Fund,
6 equals at least 20 years, shall be eligible to receive an
7 annual noncompounded increase in his or her pension under this
8 Section, equal to 3% of the original pension.

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

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

25 This subsection is not limited to persons in active service
26 on or after its effective date, but it applies only to a

1 pension that is payable under this Section to a disabled police
2 officer (rather than a survivor). Upon the death of the
3 disabled police officer, the annuity payable under this Section
4 to his or her survivors shall include any annual increases
5 previously received, but no additional increases shall accrue
6 under this subsection.

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

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