



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB3963

Introduced 2/26/2009, by Rep. Jim Sacia

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/3-112 from Ch. 108 1/2, par. 3-112  
40 ILCS 5/5-132.3 new  
40 ILCS 5/8-150.2 new  
30 ILCS 805/8.33 new

Amends the Downstate Police, the Chicago Police, and the Chicago Municipal Articles of the Illinois Pension Code. Provides for automatic annual increases in widow's annuities or surviving spouse pensions payable to the surviving spouses of police officers. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB096 08575 AMC 18698 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 Sections 3-112, 5-132.3, and 8-150.2 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

1 least 20 years of creditable service, whether death occurs  
2 before or after attainment of age 50, the pension earned by the  
3 police officer as of the date of death as provided in Section  
4 3-111 shall be paid to the survivors in the sequence provided  
5 in subsection (a) of this Section.

6 (c) Upon the death of a police officer while in service,  
7 having at least 10 but less than 20 years of service, a pension  
8 of 1/2 of the salary attached to the rank or ranks held by the  
9 officer for one year immediately prior to death shall be  
10 payable to the survivors in the sequence provided in subsection  
11 (a) of this Section. If death occurs as a result of the  
12 performance of duty, the 10 year requirement shall not apply  
13 and the pension to survivors shall be payable after any period  
14 of service.

15 (d) Beginning July 1, 1987, a minimum pension of \$400 per  
16 month shall be paid to all surviving spouses, without regard to  
17 the fact that the death of the police officer occurred prior to  
18 that date. If the minimum pension established in Section  
19 3-113.1 is greater than the minimum provided in this  
20 subsection, the Section 3-113.1 minimum controls.

21 (e) The pension of the surviving spouse of a police officer  
22 who dies (i) on or after January 1, 2001, (ii) without having  
23 begun to receive either a retirement pension payable under  
24 Section 3-111 or a disability pension payable under Section  
25 3-114.1, 3-114.2, 3-114.3, or 3-114.6, and (iii) as a result of  
26 sickness, accident, or injury incurred in or resulting from the

1 performance of an act of duty shall not be less than 100% of  
2 the salary attached to the rank held by the deceased police  
3 officer on the last day of service, notwithstanding any  
4 provision in this Article to the contrary.

5 (f) The pension of a surviving spouse payable on January 1,  
6 2010 shall be recalculated and increased to reflect the amount  
7 that the surviving spouse would have received in January 2010  
8 had the surviving spouse been receiving an increase of 3% of  
9 the originally granted pension for each year he or she received  
10 pension payments. The pension of a surviving spouse that begins  
11 after January 1, 2010 shall be increased on the January 1 next  
12 occurring after the pension begins, by an amount equal to 3% of  
13 the originally granted pension.

14 On each January 1 after the date of the initial increase  
15 under this subsection (f), each surviving spouse annuity shall  
16 be increased by 3% of the pension payable at the time of the  
17 increase, including any increases previously granted under  
18 this Article.

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

20 (40 ILCS 5/5-132.3 new)

21 Sec. 5-132.3. Automatic annual increase in widow's  
22 annuity.

23 (a) A widow's annuity payable on January 1, 2010 shall be  
24 recalculated and increased to reflect the amount that the widow  
25 would have received in January 2010 had the widow been

1 receiving an increase of 3% of the originally granted annuity  
2 for each year he or she received a widow's annuity. A widow's  
3 annuity that begins after January 1, 2010 shall be increased on  
4 the January 1 next occurring after the annuity begins, by an  
5 amount equal to 3% of the originally granted annuity.

6 On each January 1 after the date of the initial increase  
7 under this Section, the widow's annuity shall be increased by  
8 an amount equal to 3% of the amount of the widow's annuity  
9 payable at the time of the increase, including any increases  
10 previously granted under this Article.

11 (b) Limitations on the maximum amount of the widow's  
12 annuity imposed under Section 5-148 do not apply to the annual  
13 increases provided under this Section.

14 (c) The increases provided under this Section also apply to  
15 compensation annuities and supplemental annuities payable  
16 under Section 5-144. The increases provided under this Section  
17 do not apply to term annuities.

18 (40 ILCS 5/8-150.2 new)

19 Sec. 8-150.2. Automatic annual increase in widow's  
20 annuity.

21 (a) A widow's annuity payable to the widow of a police  
22 officer on January 1, 2010 shall be recalculated and increased  
23 to reflect the amount that the widow would have received in  
24 January 2010 had the widow been receiving an increase of 3% of  
25 the originally granted annuity for each year he or she received

1 a widow's annuity. A widow's annuity payable to the widow of a  
2 police officer that begins after January 1, 2010 shall be  
3 increased on the January 1 next occurring after the annuity  
4 begins, by an amount equal to 3% of the originally granted  
5 annuity.

6 On each January 1 after the date of the initial increase  
7 under this Section, the widow's annuity shall be increased by  
8 an amount equal to 3% of the amount of the widow's annuity  
9 payable at the time of the increase, including any increases  
10 previously granted under this Article.

11 (b) Limitations on the maximum amount of widow's annuity  
12 imposed under Section 8-154 do not apply to the annual  
13 increases provided under this Section.

14 (c) The increases provided under this Section also apply to  
15 compensation annuities and supplemental annuities payable  
16 under Section 8-151. The increases provided under this Section  
17 do not apply to term annuities.

18 Section 90. The State Mandates Act is amended by adding  
19 Section 8.33 as follows:

20 (30 ILCS 805/8.33 new)

21 Sec. 8.33. Exempt mandate. Notwithstanding Sections 6 and 8  
22 of this Act, no reimbursement by the State is required for the  
23 implementation of any mandate created by this amendatory Act of  
24 the 96th General Assembly.

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