

HB5317



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5317

Introduced 2/5/2010, by Rep. Kevin Joyce

SYNOPSIS AS INTRODUCED:

40 ILCS 5/5-154

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

30 ILCS 805/8.34 new

Amends the Chicago Police Article of the Illinois Pension Code. Increases the child's disability benefit for duty disability from \$100 to \$300. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB096 18737 AMC 34122 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

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

1 50% of total disability for any service of a remunerative
2 character, the duty disability benefit shall be 50% of
3 salary as defined in this Article.

4 (ii) Beginning January 1, 1996, no duty disability
5 benefit that has been payable under this Section for at
6 least 10 years shall be less than 50% of the current salary
7 attached from time to time to the rank held by the
8 policeman at the time of removal from the police department
9 payroll, regardless of whether that removal occurred
10 before the effective date of this amendatory Act of 1995.
11 Beginning on January 1, 2000, no duty disability benefit
12 that has been payable under this Section for at least 7
13 years shall be less than 60% of the current salary attached
14 from time to time to the rank held by the policeman at the
15 time of removal from the police department payroll,
16 regardless of whether that removal occurred before the
17 effective date of this amendatory Act of the 92nd General
18 Assembly.

19 (iii) If the Board finds that the disability of the
20 policeman is of such a nature as to permanently render him
21 totally disabled for any service of a remunerative
22 character, the duty disability benefit shall be 75% of the
23 current salary attached from time to time to the rank held
24 by the policeman at the time of removal from the police
25 department payroll. In the case of a policeman receiving a
26 duty disability benefit under this Section on the effective

1 date of this amendatory Act of the 92nd General Assembly,
2 the increase in benefit provided by this amendatory Act, if
3 any, shall begin to accrue as of the date that the Board
4 makes the required finding of permanent total disability,
5 regardless of whether removal from the payroll occurred
6 before the effective date of this amendatory Act.

7 (b) The policeman shall also have a right to child's
8 disability benefit of \$300 ~~\$100~~ per month for each unmarried
9 child, the issue of the policeman, less than age 18, but the
10 total amount of child's disability benefit shall not exceed 25%
11 of his salary as defined in this Article. The increase in
12 child's disability benefit provided by this amendatory Act of
13 the 96th ~~92nd~~ General Assembly applies beginning January 1,
14 2011 ~~2000~~ to all such benefits payable on or after that date,
15 regardless of whether the disabled policeman is in active
16 service on or after the effective date of this amendatory Act.

17 (c) Duty disability benefit shall be payable until the
18 policeman becomes age 63 or would have been retired by
19 operation of law, whichever is later, and child's disability
20 benefit shall be paid during any such period of disability
21 until the child attains age 18. Thereafter the policeman shall
22 receive the annuity provided in accordance with the other
23 provisions of this Article.

24 (d) A policeman who suffers a heart attack during the
25 performance and discharge of his or her duties as a policeman
26 shall be considered injured in the performance of an act of

1 duty and shall be eligible for all benefits that the City
2 provides for police officers injured in the performance of an
3 act of duty. This subsection (d) is a restatement of existing
4 law and applies without regard to whether the policeman is in
5 service on or after the effective date of Public Act 89-12 or
6 this amendatory Act of 1996.

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

8 Section 90. The State Mandates Act is amended by adding
9 Section 8.34 as follows:

10 (30 ILCS 805/8.34 new)

11 Sec. 8.34. Exempt mandate. Notwithstanding Sections 6 and 8
12 of this Act, no reimbursement by the State is required for the
13 implementation of any mandate created by this amendatory Act of
14 the 96th General Assembly.

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.