



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB5478

Introduced 2/5/2010, by Rep. Michael P. McAuliffe

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/3-114.1

from Ch. 108 1/2, par. 3-114.1

Amends the Downstate Police Article of the Illinois Pension Code. Provides that certain disabled police officers who are receiving a disability pension on the effective date of the amendatory Act and who apply within 60 days after that effective date and annually thereafter while the pension remains payable shall be eligible to receive an annual noncompounded increase in his or her disability pension equal to 3% of the original pension. Deletes language providing that within 60 days after accepting an initial application, the Fund shall pay to the disabled police officer, in a lump sum without interest, the amounts resulting from the annual increases that have accrued retroactively. Effective immediately.

LRB096 18399 AMC 33777 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 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  
17 that the police officer would be eligible to receive if he or  
18 she retired (but not including any automatic annual increase in  
19 that retirement pension), or (3) the pension provided under  
20 subsection (d), if applicable.

21 A police officer shall be considered "on duty" while on any  
22 assignment approved by the chief of the police department of  
23 the municipality he or she serves, whether the assignment is

1 within or outside the municipality.

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

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

12 (d) A disabled police officer who (1) is receiving a  
13 pension under this Section on the effective date of this  
14 amendatory Act of the 96th ~~91st~~ General Assembly, (2) files  
15 with the Fund, within 60 ~~30~~ days after that effective date and  
16 annually thereafter while the pension remains payable, a  
17 written application for the benefits of this subsection,  
18 including an affidavit stating that the applicant has not  
19 earned any income from gainful employment during the most  
20 recently concluded tax year and a copy of his or her most  
21 recent Illinois income tax return, (3) has service credit in  
22 the Fund for at least 7 years of active duty, and (4) has been  
23 receiving the pension under this Section for a period which,  
24 when added to the officer's total service credit in the Fund,  
25 equals at least 20 years, shall be eligible to receive an  
26 annual noncompounded increase in his or her pension under this

1 Section, equal to 3% of the original pension.

2 The Fund may take appropriate steps to verify the  
3 applicant's disability and earnings status, and for this  
4 purpose may request from the Department of Revenue a certified  
5 copy of the applicant's Illinois income tax return for any year  
6 for which a benefit under this Section is payable or has been  
7 paid.

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

18 This subsection is not limited to persons in active service  
19 on or after its effective date, but it applies only to a  
20 pension that is payable under this Section to a disabled police  
21 officer (rather than a survivor). Upon the death of the  
22 disabled police officer, the annuity payable under this Section  
23 to his or her survivors shall include any annual increases  
24 previously received, but no additional increases shall accrue  
25 under this subsection.

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

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