



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5684

Introduced 2/9/2010, by Rep. John A. Fritchey

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 805/8.34 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 20315 AMC 35941 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 8.34 as follows:

20 (30 ILCS 805/8.34 new)

21 Sec. 8.34. 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.