



## 96TH GENERAL ASSEMBLY

### State of Illinois

#### 2009 and 2010

#### SB3939

Introduced 5/26/2010, by Sen. Michael W. Frerichs

#### 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 the changes made to certain provisions concerning duty disability pensions by Public Act 91-939 apply to all disability retirement pensions that became payable on or after January 1, 1998 through February 1, 2001 (the effective date of Public Act 91-939) for police officers with 30 years or more of creditable service under this Article. Provides that, for a person receiving a disability retirement pension on the effective date of the amendatory Act, the increase, if any, shall begin to accrue on the first benefit payment date following that effective date. Effective immediately.

LRB096 21435 AMC 37843 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 The changes made to this subsection (a) by Public Act  
22 91-939 apply to all disability retirement pensions that became  
23 payable on or after January 1, 1998 through February 1, 2001

1 (the effective date of Public Act 91-939) for police officers  
2 with 30 years or more of creditable service under this Article.  
3 In the case of a person receiving a disability retirement  
4 pension on the effective date of this amendatory Act of the  
5 96th General Assembly, the increase, if any, shall begin to  
6 accrue on the first benefit payment date following that  
7 effective date.

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

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

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

22 (d) A disabled police officer who (1) is receiving a  
23 pension under this Section on the effective date of this  
24 amendatory Act of the 91st General Assembly, (2) files with the  
25 Fund, within 30 days after that effective date and annually  
26 thereafter while the pension remains payable, a written

1 application for the benefits of this subsection, including an  
2 affidavit stating that the applicant has not earned any income  
3 from gainful employment during the most recently concluded tax  
4 year and a copy of his or her most recent Illinois income tax  
5 return, (3) has service credit in the Fund for at least 7 years  
6 of active duty, and (4) has been receiving the pension under  
7 this Section for a period which, when added to the officer's  
8 total service credit in the Fund, equals at least 20 years,  
9 shall be eligible to receive an annual noncompounded increase  
10 in his or her pension under this Section, equal to 3% of the  
11 original pension.

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

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

1 increases that have accrued retroactively.

2 This subsection is not limited to persons in active service  
3 on or after its effective date, but it applies only to a  
4 pension that is payable under this Section to a disabled police  
5 officer (rather than a survivor). Upon the death of the  
6 disabled police officer, the annuity payable under this Section  
7 to his or her survivors shall include any annual increases  
8 previously received, but no additional increases shall accrue  
9 under this subsection.

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

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law.