



Sen. Robert F. Martwick

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10300HB2352sam002

LRB103 27717 RPS 62046 a

1 AMENDMENT TO HOUSE BILL 2352

2 AMENDMENT NO. _____. Amend House Bill 2352, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Pension Code is amended by
6 changing Section 5-154 as follows:

7 (40 ILCS 5/5-154) (from Ch. 108 1/2, par. 5-154)

8 Sec. 5-154. Duty disability benefit; child's disability
9 benefit.

10 (a) An active policeman who becomes disabled on or after
11 the effective date as the result of injury incurred on or after
12 such date in the performance of an act of duty, has a right to
13 receive duty disability benefit during any period of such
14 disability for which he does not have a right to receive
15 salary, equal to 75% of his salary, as salary is defined in
16 this Article, at the time the disability is allowed; or in the

1 case of a policeman on duty disability who returns to active
2 employment at any time for a period of at least 2 years and is
3 again disabled from the same cause or causes, 75% of his
4 salary, as salary is defined in this Article, at the time
5 disability is allowed; provided, however, that:

6 (i) If the disability resulted from any physical
7 defect or mental disorder or any disease which existed at
8 the time the injury was sustained, or if the disability is
9 less than 50% of total disability for any service of a
10 remunerative character, the duty disability benefit shall
11 be 50% of salary as defined in this Article.

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

1 (iii) If the Board finds that the disability of the
2 policeman is of such a nature as to permanently render him
3 totally disabled for any service of a remunerative
4 character, the duty disability benefit shall be 75% of the
5 current salary attached from time to time to the rank held
6 by the policeman at the time of removal from the police
7 department payroll. In the case of a policeman receiving a
8 duty disability benefit under this Section on the
9 effective date of this amendatory Act of the 92nd General
10 Assembly, the increase in benefit provided by this
11 amendatory Act, if any, shall begin to accrue as of the
12 date that the Board makes the required finding of
13 permanent total disability, regardless of whether removal
14 from the payroll occurred before the effective date of
15 this amendatory Act.

16 (b) The policeman shall also have a right to child's
17 disability benefit of \$100 per month for each unmarried child,
18 the issue of the policeman, less than age 18, but the total
19 amount of child's disability benefit shall not exceed 25% of
20 his salary as defined in this Article. The increase in child's
21 disability benefit provided by this amendatory Act of the 92nd
22 General Assembly applies beginning January 1, 2000 to all such
23 benefits payable on or after that date, regardless of whether
24 the disabled policeman is in active service on or after the
25 effective date of this amendatory Act.

26 (c) Duty disability benefit shall be payable until the

1 policeman becomes age 63 or would have been retired by
2 operation of law, whichever is later, and child's disability
3 benefit shall be paid during any such period of disability
4 until the child attains age 18. Thereafter the policeman shall
5 receive the annuity provided in accordance with the other
6 provisions of this Article.

7 (d) A policeman who suffers a heart attack during the
8 performance and discharge of his or her duties as a policeman
9 shall be considered injured in the performance of an act of
10 duty and shall be eligible for all benefits that the City
11 provides for police officers injured in the performance of an
12 act of duty. This subsection (d) is a restatement of existing
13 law and applies without regard to whether the policeman is in
14 service on or after the effective date of Public Act 89-12 or
15 this amendatory Act of 1996.

16 (e) A policeman who is injured as a result of a bullet shot
17 from a firearm in the performance of an act of duty or is
18 physically injured in the performance of an act of duty shall
19 be rebuttably presumed to have a disability of such a nature as
20 to permanently render him or her totally disabled for any
21 service of a remunerative character. Immediately upon
22 application for a duty disability benefit, the policeman shall
23 be entitled to an interim duty disability benefit equal to 75%
24 of the current salary attached from time to time to the rank
25 held by the policeman at the time of removal from the police
26 department payroll if (1) he or she is not entitled to receive

1 salary or any other injured-on-duty benefit for that injury
2 and (2) a licensed and practicing physician has not medically
3 authorized the policeman to return to service. The interim
4 duty disability benefit shall terminate upon the earlier of:
5 (i) the occurrence of any event or condition that would
6 terminate a duty disability benefit under this Article; (ii)
7 the commencement of a duty disability benefit; or (iii) the
8 Board's determination that the policeman is not entitled to a
9 duty disability benefit.

10 If the Board finds that the policeman is not entitled to a
11 duty disability benefit, the policeman shall repay to the Fund
12 the amount of the interim duty disability benefit received. If
13 the Board finds that the policeman is entitled to a lesser duty
14 disability benefit amount than the interim duty disability
15 amount, the policeman shall repay to the Fund the amount of the
16 interim duty disability benefit received that was in excess of
17 the duty disability benefit to which the policeman was
18 entitled.

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

20 Section 90. The State Mandates Act is amended by adding
21 Section 8.47 as follows:

22 (30 ILCS 805/8.47 new)

23 Sec. 8.47. Exempt mandate. Notwithstanding Sections 6 and
24 8 of this Act, no reimbursement by the State is required for

1 the implementation of any mandate created by this amendatory
2 Act of the 103rd General Assembly.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.".