



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5104

Introduced 2/8/2024, by Rep. Jay Hoffman - Brad Stephens

SYNOPSIS AS INTRODUCED:

40 ILCS 5/5-144	from Ch. 108 1/2, par. 5-144
40 ILCS 5/5-153	from Ch. 108 1/2, par. 5-153
40 ILCS 5/5-154	from Ch. 108 1/2, par. 5-154
30 ILCS 805/8.48 new	

Amends the Chicago Police Article of the Illinois Pension Code. In provisions concerning death benefits and disability benefits, provides that certain presumptions that apply to a policeman who becomes disabled or dies as a result of exposure to and contraction of COVID-19 apply to any policeman who was exposed to and contracted COVID-19 on or after March 9, 2020 and on or before January 31, 2022 (instead of on or before June 30, 2021). Amends the State Mandates Act require implementation without reimbursement. Effective immediately.

LRB103 38081 RPS 68213 b

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
5 changing Sections 5-144, 5-153, and 5-154 as follows:

6 (40 ILCS 5/5-144) (from Ch. 108 1/2, par. 5-144)

7 Sec. 5-144. Death from injury in the performance of acts
8 of duty; compensation annuity and supplemental annuity.

9 (a) Beginning January 1, 1986, and without regard to
10 whether or not the annuity in question began before that date,
11 if the annuity for the widow of a policeman whose death, on or
12 after January 1, 1940, results from injury incurred in the
13 performance of an act or acts of duty, is not equal to the sum
14 hereinafter stated, "compensation annuity" equal to the
15 difference between the annuity and an amount equal to 75% of
16 the policeman's salary attached to the position he held by
17 certification and appointment as a result of competitive civil
18 service examination that would ordinarily have been paid to
19 him as though he were in active discharge of his duties shall
20 be payable to the widow until the policeman, had he lived,
21 would have attained age 63. The total amount of the widow's
22 annuity and children's awards payable to the family of such
23 policeman shall not exceed the amounts stated in Section

1 5-152.

2 For the purposes of this Section only, the death of any
3 policeman as a result of the exposure to and contraction of
4 COVID-19, as evidenced by either (i) a confirmed positive
5 laboratory test for COVID-19 or COVID-19 antibodies or (ii) a
6 confirmed diagnosis of COVID-19 from a licensed medical
7 professional, shall be rebuttably presumed to have been
8 contracted while in the performance of an act or acts of duty
9 and the policeman shall be rebuttably presumed to have been
10 fatally injured while in active service. The presumption shall
11 apply to any policeman who was exposed to and contracted
12 COVID-19 on or after March 9, 2020 and on or before January 31,
13 2022 ~~June 30, 2021~~ (including the period between December 31,
14 2020 and the effective date of this amendatory Act of the 101st
15 General Assembly); except that the presumption shall not apply
16 if the policeman was on a leave of absence from his or her
17 employment or otherwise not required to report for duty for a
18 period of 14 or more consecutive days immediately prior to the
19 date of contraction of COVID-19. For the purposes of
20 determining when a policeman contracted COVID-19 under this
21 paragraph, the date of contraction is either the date that the
22 policeman was diagnosed with COVID-19 or was unable to work
23 due to symptoms that were later diagnosed as COVID-19,
24 whichever occurred first.

25 The provisions of this Section, as amended by Public Act
26 84-1104, including the reference to the date upon which the

1 deceased policeman would have attained age 63, shall apply to
2 all widows of policemen whose death occurs on or after January
3 1, 1940 due to injury incurred in the performance of an act of
4 duty, regardless of whether such death occurred prior to
5 September 17, 1969. For those widows of policemen that died
6 prior to September 17, 1969, who became eligible for
7 compensation annuity by the action of Public Act 84-1104, such
8 compensation annuity shall begin and be calculated from
9 January 1, 1986. The provisions of this amendatory Act of 1987
10 are intended to restate and clarify the intent of Public Act
11 84-1104, and do not make any substantive change.

12 (b) Upon termination of the compensation annuity,
13 "supplemental annuity" shall become payable to the widow,
14 equal to the difference between the annuity for the widow and
15 an amount equal to 75% of the annual salary (including all
16 salary increases and longevity raises) that the policeman
17 would have been receiving when he attained age 63 if the
18 policeman had continued in service at the same rank (whether
19 career service or exempt) that he last held in the police
20 department. The increase in supplemental annuity resulting
21 from this amendatory Act of the 92nd General Assembly applies
22 without regard to whether the deceased policeman was in
23 service on or after the effective date of this amendatory Act
24 and is payable from July 1, 2002 or the date upon which the
25 supplemental annuity begins, whichever is later.

26 (c) Neither compensation nor supplemental annuity shall be

1 paid unless the death of the policeman was a direct result of
2 the injury, or the injury was of such character as to prevent
3 him from subsequently resuming service as a policeman; nor
4 shall compensation or supplemental annuity be paid unless the
5 widow was the wife of the policeman when the injury occurred.

6 (Source: P.A. 101-633, eff. 6-5-20; 101-653, eff. 2-28-21.)

7 (40 ILCS 5/5-153) (from Ch. 108 1/2, par. 5-153)

8 Sec. 5-153. Death benefit.

9 (a) Effective January 1, 1962, an ordinary death benefit
10 is payable on account of any policeman in service and in
11 receipt of salary on or after such date, which benefit is in
12 addition to all other annuities and benefits herein provided.
13 This benefit is payable upon death of a policeman:

14 (1) occurring in active service while in receipt of
15 salary;

16 (2) on an authorized and approved leave of absence,
17 without salary, beginning on or after January 1, 1962, if
18 the death occurs within 60 days from the date the employee
19 was in receipt of salary; or otherwise in the service and
20 not separated by resignation or discharge beginning
21 January 1, 1962 if death occurs before his resignation or
22 discharge from the service;

23 (3) receiving duty disability or ordinary disability
24 benefit;

25 (4) occurring within 60 days from the date of

1 termination of duty disability or ordinary disability
2 benefit payments if re-entry into service had not
3 occurred; or

4 (5) occurring on retirement and while in receipt of an
5 age and service annuity, Tier 2 monthly retirement
6 annuity, or prior service annuity; provided (a) retirement
7 on such annuity occurred on or after January 1, 1962, and
8 (b) such separation from service was effective on or after
9 the policeman's attainment of age 50, and (c) application
10 for such annuity was made within 60 days after separation
11 from service.

12 (b) The ordinary death benefit is payable to such
13 beneficiary or beneficiaries as the policeman has nominated by
14 written direction duly signed and acknowledged before an
15 officer authorized to take acknowledgments, and filed with the
16 board. If no such written direction has been filed or if the
17 designated beneficiaries do not survive the policeman, payment
18 of the benefit shall be made to his estate.

19 (c) Until December 31, 1977, if death occurs prior to
20 retirement on annuity and before the policeman's attainment of
21 age 50, the amount of the benefit payable is \$6,000. If death
22 occurs prior to retirement, at age 50 or over, the benefit of
23 \$6,000 shall be reduced \$400 for each year (commencing on the
24 policeman's attainment of age 50, and thereafter on each
25 succeeding birthdate) that the policeman's age, at date of
26 death, is more than age 50, but in no event below the amount of

1 \$2,000. However, if death results from injury incurred in the
2 performance of an act or acts of duty, prior to retirement on
3 annuity, the amount of the benefit payable is \$6,000
4 notwithstanding the age attained.

5 Until December 31, 1977, if the policeman's death occurs
6 while he is in receipt of an annuity, the benefit is \$2,000 if
7 retirement was effective upon attainment of age 55 or greater.
8 If the policeman retired at age 50 or over and before age 55,
9 the benefit of \$2,000 shall be reduced \$100 for each year or
10 fraction of a year that the policeman's age at retirement was
11 less than age 55 to a minimum payment of \$1,500.

12 After December 31, 1977, and on or before January 1, 1986,
13 if death occurs prior to retirement on annuity and before the
14 policeman's attainment of age 50, the amount of the benefit
15 payable is \$7,000. If death occurs prior to retirement, at age
16 50 or over, the benefit of \$7,000 shall be reduced \$400 for
17 each year (commencing on the policeman's attainment of age 50,
18 and thereafter on each succeeding birthdate) that the
19 policeman's age, at date of death, is more than age 50, but in
20 no event below the amount of \$3,000. However, if death results
21 from injury incurred in the performance of an act or acts of
22 duty, prior to retirement on annuity, the amount of the
23 benefit payable is \$7,000 notwithstanding the age attained.

24 After December 31, 1977, and on or before January 1, 1986,
25 if the policeman's death occurs while he is in receipt of an
26 annuity, the benefit is \$2,250 if retirement was effective

1 upon attainment of age 55 or greater. If the policeman retired
2 at age 50 or over and before age 55, the benefit of \$2,250
3 shall be reduced \$100 for each year or fraction of a year that
4 the policeman's age at retirement was less than age 55 to a
5 minimum payment of \$1,750.

6 After January 1, 1986, if death occurs prior to retirement
7 on annuity and before the policeman's attainment of age 50,
8 the amount of benefit payable is \$12,000. If death occurs
9 prior to retirement, at age 50 or over, the benefit of \$12,000
10 shall be reduced \$400 for each year (commencing on the
11 policeman's attainment of age 50, and thereafter on each
12 succeeding birthdate) that the policeman's age, at date of
13 death, is more than age 50, but in no event below the amount of
14 \$6,000. However, if death results from injury in the
15 performance of an act or acts of duty, prior to retirement on
16 annuity, the amount of benefit payable is \$12,000
17 notwithstanding the age attained.

18 After January 1, 1986, if the policeman's death occurs
19 while he is in receipt of an annuity, the benefit is \$6,000.

20 (d) For the purposes of this Section only, the death of any
21 policeman as a result of the exposure to and contraction of
22 COVID-19, as evidenced by either (i) a confirmed positive
23 laboratory test for COVID-19 or COVID-19 antibodies or (ii) a
24 confirmed diagnosis of COVID-19 from a licensed medical
25 professional, shall be rebuttably presumed to have been
26 contracted while in the performance of an act or acts of duty

1 and the policeman shall be rebuttably presumed to have been
2 fatally injured while in active service. The presumption shall
3 apply to any policeman who was exposed to and contracted
4 COVID-19 on or after March 9, 2020 and on or before January 31,
5 2022 ~~June 30, 2021~~ (including the period between December 31,
6 2020 and the effective date of this amendatory Act of the 101st
7 General Assembly); except that the presumption shall not apply
8 if the policeman was on a leave of absence from his or her
9 employment or otherwise not required to report for duty for a
10 period of 14 or more consecutive days immediately prior to the
11 date of contraction of COVID-19. For the purposes of
12 determining when a policeman contracted COVID-19 under this
13 subsection, the date of contraction is either the date that
14 the policeman was diagnosed with COVID-19 or was unable to
15 work due to symptoms that were later diagnosed as COVID-19,
16 whichever occurred first.

17 (Source: P.A. 101-633, eff. 6-5-20; 101-653, eff. 2-28-21.)

18 (40 ILCS 5/5-154) (from Ch. 108 1/2, par. 5-154)

19 Sec. 5-154. Duty disability benefit; child's disability
20 benefit.

21 (a) An active policeman who becomes disabled on or after
22 the effective date as the result of injury incurred on or after
23 such date in the performance of an act of duty, has a right to
24 receive duty disability benefit during any period of such
25 disability for which he does not have a right to receive

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

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

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

1 occurred before the effective date of this amendatory Act
2 of the 92nd General Assembly.

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

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

1 effective date of this amendatory Act.

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

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

18 (e) For the purposes of this Section only, any policeman
19 who becomes disabled as a result of exposure to and
20 contraction of COVID-19, as evidenced by either a confirmed
21 positive laboratory test for COVID-19 or COVID-19 antibodies
22 or a confirmed diagnosis of COVID-19 from a licensed medical
23 professional, shall:

24 (1) be rebuttably presumed to have contracted COVID-19
25 while in the performance of an act or acts of duty;

26 (2) be rebuttably presumed to have been injured while

1 in the performance of an act or acts of duty; and

2 (3) be entitled to receive a duty disability benefit
3 during any period of such disability for which the
4 policeman does not have a right to receive salary, in an
5 amount equal to 75% of the policeman's salary, as salary
6 is defined in this Article, at the time the disability is
7 allowed, in accordance with subsection (a).

8 The presumption shall apply to any policeman who was
9 exposed to and contracted COVID-19 on or after March 9, 2020
10 and on or before January 31, 2022 ~~June 30, 2021~~; except that
11 the presumption shall not apply if the policeman was on a leave
12 of absence from his or her employment or otherwise not
13 required to report for duty for a period of 14 or more
14 consecutive days immediately prior to the date of contraction
15 of COVID-19. For the purposes of determining when a policeman
16 contracted COVID-19 under this paragraph, the date of
17 contraction is either the date that the policeman was
18 diagnosed with COVID-19 or was unable to work due to symptoms
19 that were later diagnosed as COVID-19, whichever occurred
20 first.

21 It is the intent of the General Assembly that the change
22 made in this subsection (e) by this amendatory Act shall apply
23 retroactively to March 9, 2020, and any policeman who has been
24 previously denied a duty disability benefit that would
25 otherwise be entitled to duty disability benefit under this
26 subsection (e) shall be entitled to retroactive benefits and

1 duty disability benefit.

2 (Source: P.A. 103-2, eff. 5-10-23.)

3 Section 90. The State Mandates Act is amended by adding
4 Section 8.48 as follows:

5 (30 ILCS 805/8.48 new)

6 Sec. 8.48. Exempt mandate. Notwithstanding Sections 6 and
7 8 of this Act, no reimbursement by the State is required for
8 the implementation of any mandate created by this amendatory
9 Act of the 103rd General Assembly.

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