

1 AN ACT in relation to pensions.

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 adding Section 5-129.1 and changing Section 5-144 as follows:

6 (40 ILCS 5/5-129.1 new)

7 Sec. 5-129.1. Withdrawal at mandatory retirement age -
8 amount of annuity.

9 (a) In lieu of any annuity provided in the other
10 provisions of this Article, a policeman who is required to
11 withdraw from service due to attainment of mandatory
12 retirement age and has less than 20 years of service credit
13 may elect to receive an annuity equal to 30% of average
14 salary for the first 10 years of service plus 2% of average
15 salary for each completed year of service or fraction thereof
16 in excess of 10, but not to exceed a maximum of 48% of
17 average salary.

18 (b) For the purpose of this Section, "average salary"
19 means the average of the highest 4 consecutive years of
20 salary within the last 10 years of service, or such shorter
21 period as may be used to calculate a minimum retirement
22 annuity under Section 5-132.

23 (c) For the purpose of qualifying for the annual
24 increases provided in Section 5-167.1, a policeman whose
25 retirement annuity is calculated under this Section shall be
26 deemed to qualify for a minimum annuity.

27 (40 ILCS 5/5-144) (from Ch. 108 1/2, par. 5-144)

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

30 (a) Beginning January 1, 1986, and without regard to

1 whether or not the annuity in question began before that
2 date, if the annuity for the widow of a policeman whose
3 death, on or after January 1, 1940, results from injury
4 incurred in the performance of an act or acts of duty, is not
5 equal to the sum hereinafter stated, "compensation annuity"
6 equal to the difference between the annuity and an amount
7 equal to 75% of the policeman's salary attached to the
8 position he held by certification and appointment as a result
9 of competitive civil service examination that would
10 ordinarily have been paid to him as though he were in active
11 discharge of his duties shall be payable to the widow until
12 the policeman, had he lived, would have attained age 63. The
13 total amount of the widow's annuity and children's awards
14 payable to the family of such policeman shall not exceed the
15 amounts stated in Section 5-152.

16 The provisions of this Section, as amended by Public Act
17 84-1104, including the reference to the date upon which the
18 deceased policeman would have attained age 63, shall apply to
19 all widows of policemen whose death occurs on or after
20 January 1, 1940 due to injury incurred in the performance of
21 an act of duty, regardless of whether such death occurred
22 prior to September 17, 1969. For those widows of policemen
23 that died prior to September 17, 1969, who became eligible
24 for compensation annuity by the action of Public Act 84-1104,
25 such compensation annuity shall begin and be calculated from
26 January 1, 1986. The provisions of this amendatory Act of
27 1987 are intended to restate and clarify the intent of Public
28 Act 84-1104, and do not make any substantive change.

29 (b) Upon termination of the compensation annuity,
30 "supplemental annuity" shall become payable to the widow,
31 equal to the difference between the annuity for the widow and
32 an amount equal to 75% 50% of the annual salary (including
33 all salary increases and longevity raises) that the policeman
34 would have been receiving when he attained age 63 if the

1 policeman had continued in service at the same rank (whether
2 career service or exempt) that he last held in the police
3 department. The increase in supplemental annuity resulting
4 from this amendatory Act of the 92nd General Assembly 1995
5 applies without regard to whether the deceased policeman was
6 in service on or after the effective date of this amendatory
7 Act and is payable from January 1, 2002 1996 or the date upon
8 which the supplemental annuity begins, whichever is later.

9 (c) Neither compensation nor supplemental annuity shall
10 be paid unless the death of the policeman was a direct result
11 of the injury, or the injury was of such character as to
12 prevent him from subsequently resuming service as a
13 policeman; nor shall compensation or supplemental annuity be
14 paid unless the widow was the wife of the policeman when the
15 injury occurred.

16 (Source: P.A. 89-12, eff. 4-20-95.)

17 Section 90. The State Mandates Act is amended by adding
18 Section 8.26 as follows:

19 (30 ILCS 805/8.26 new)

20 Sec. 8.26. Exempt mandate. Notwithstanding Sections 6
21 and 8 of this Act, no reimbursement by the State is required
22 for the implementation of any mandate created by this
23 amendatory Act of the 92nd General Assembly.

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.