

AN ACT concerning public employee benefits.

**Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:**

Section 5. The Illinois Pension Code is amended by changing Sections 5-144, 5-153, 5-154, 6-140, 6-150, and 6-151 as follows:

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

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

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

policeman shall not exceed the amounts stated in Section 5-152.

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

The provisions of this Section, as amended by Public Act

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

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

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

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

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

Sec. 5-153. Death benefit.

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

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

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

(3) receiving duty disability or ordinary disability benefit;

(4) occurring within 60 days from the date of termination of duty disability or ordinary disability benefit payments if re-entry into service had not occurred; or

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

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

(c) Until December 31, 1977, if death occurs prior to retirement on annuity and before the policeman's attainment of age 50, the amount of the benefit payable is \$6,000. If death occurs prior to retirement, at age 50 or over, the benefit of \$6,000 shall be reduced \$400 for each year (commencing on the policeman's attainment of age 50, and thereafter on each succeeding birthdate) that the policeman's age, at date of

death, is more than age 50, but in no event below the amount of \$2,000. However, if death results from injury incurred in the performance of an act or acts of duty, prior to retirement on annuity, the amount of the benefit payable is \$6,000 notwithstanding the age attained.

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

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

After December 31, 1977, and on or before January 1, 1986, if the policeman's death occurs while he is in receipt of an

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

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

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

(d) For the purposes of this Section only, the death of any policeman as a result of the exposure to and contraction of COVID-19, as evidenced by either (i) a confirmed positive laboratory test for COVID-19 or COVID-19 antibodies or (ii) a confirmed diagnosis of COVID-19 from a licensed medical professional, shall be rebuttably presumed to have been

contracted while in the performance of an act or acts of duty and the policeman shall be rebuttably presumed to have been fatally injured while in active service. The presumption shall 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 ~~June 30, 2021~~ (including the period between December 31, 2020 and the effective date of this amendatory Act of the 101st General Assembly); except that the presumption shall not apply if the policeman was on a leave of absence from his or her employment or otherwise not required to report for duty for a period of 14 or more consecutive days immediately prior to the date of contraction of COVID-19. For the purposes of determining when a policeman contracted COVID-19 under this subsection, the date of contraction is either the date that the policeman was diagnosed with COVID-19 or was unable to work due to symptoms that were later diagnosed as COVID-19, whichever occurred first.

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

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

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

(a) An active policeman who becomes disabled on or after the effective date as the result of injury incurred on or after such date in the performance of an act of duty, has a right to receive duty disability benefit during any period of such



disability for which he does not have a right to receive salary, equal to 75% of his salary, as salary is defined in this Article, at the time the disability is allowed; or in the case of a policeman on duty disability who returns to active employment at any time for a period of at least 2 years and is again disabled from the same cause or causes, 75% of his salary, as salary is defined in this Article, at the time disability is allowed; provided, however, that:

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

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

department payroll, regardless of whether that removal occurred before the effective date of this amendatory Act of the 92nd General Assembly.

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

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

the disabled policeman is in active service on or after the effective date of this amendatory Act.

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

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

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

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

(2) be rebuttably presumed to have been injured while in the performance of an act or acts of duty; and

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

The presumption shall 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 ~~June 30, 2021~~; except that the presumption shall not apply if the policeman was on a leave of absence from his or her employment or otherwise not required to report for duty for a period of 14 or more consecutive days immediately prior to the date of contraction of COVID-19. For the purposes of determining when a policeman contracted COVID-19 under this paragraph, the date of contraction is either the date that the policeman was diagnosed with COVID-19 or was unable to work due to symptoms that were later diagnosed as COVID-19, whichever occurred first.

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

subsection (e) shall be entitled to retroactive benefits and duty disability benefit.

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

(40 ILCS 5/6-140) (from Ch. 108 1/2, par. 6-140)

Sec. 6-140. Death in the line of duty.

(a) The annuity for the widow of a fireman whose death results from the performance of an act or acts of duty shall be an amount equal to 50% of the current annual salary attached to the classified position to which the fireman was certified at the time of his death and 75% thereof after December 31, 1972.

Unless the performance of an act or acts of duty results directly in the death of the fireman, or prevents him from subsequently resuming active service in the fire department, the annuity herein provided shall not be paid; nor shall such annuities be paid unless the widow was the wife of the fireman at the time of the act or acts of duty which resulted in his death.

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

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

(b) The changes made to this Section by this amendatory Act of the 92nd General Assembly apply without regard to whether the deceased fireman was in service on or after the effective date of this amendatory Act. In the case of a widow receiving an annuity under this Section that has been reduced to 40% of current salary because the fireman, had he lived, would have attained the age prescribed for compulsory retirement, the annuity shall be restored to the amount provided in subsection (a), with the increase beginning to accrue on the later of January 1, 2001 or the day the annuity first became payable.

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

(40 ILCS 5/6-150) (from Ch. 108 1/2, par. 6-150)

Sec. 6-150. Death benefit.

(a) Effective January 1, 1962, an ordinary death benefit shall be payable on account of any fireman in service and in receipt of salary on or after such date, which benefit shall be in addition to all other annuities and benefits herein provided. This benefit shall be payable upon death of a fireman:

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

(2) on an authorized and approved leave of absence, without salary, beginning on or after January 1, 1962, if the death occurs within 60 days from the date the fireman was in receipt of salary;

(3) receiving duty, occupational disease, or ordinary disability benefit;

(4) occurring within 60 days from the date of termination of duty disability, occupational disease disability or ordinary disability benefit payments if re-entry into service had not occurred; or

(5) occurring on retirement and while in receipt of an age and service annuity, prior service annuity, Tier 2 monthly retirement annuity, or minimum annuity; provided

(a) retirement on such annuity occurred on or after

January 1, 1962, and (b) such separation from service was effective on or after the fireman's attainment of age 50, and (c) application for such annuity was made within 60 days after separation from service.

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

(c) Beginning July 1, 1983, if death occurs prior to retirement on annuity and before the fireman's attainment of age 50, the amount of the benefit payable shall be \$12,000. Beginning July 1, 1983, if death occurs prior to retirement, at age 50 or over, the benefit of \$12,000 shall be reduced \$400 for each year (commencing on the fireman's attainment of age 50 and thereafter on each succeeding birth date) that the fireman's age, at date of death, is more than age 49, but in no event below the amount of \$6,000.

Beginning July 1, 1983, if the fireman's death occurs while he is in receipt of an annuity, the benefit shall be \$6,000.

(d) For the purposes of this Section only, the death of any fireman as a result of the exposure to and contraction of COVID-19, as evidenced by either (i) a confirmed positive



laboratory test for COVID-19 or COVID-19 antibodies or (ii) a confirmed diagnosis of COVID-19 from a licensed medical professional, shall be rebuttably presumed to have been contracted while in the performance of an act or acts of duty and the fireman shall be rebuttably presumed to have been fatally injured while in active service. The presumption shall apply to any fireman who was exposed to and contracted COVID-19 on or after March 9, 2020 and on or before January 31, 2022 ~~June 30, 2021~~ (including the period between December 31, 2020 and the effective date of this amendatory Act of the 101st General Assembly); except that the presumption shall not apply if the fireman was on a leave of absence from his or her employment or otherwise not required to report for duty for a period of 14 or more consecutive days immediately prior to the date of contraction of COVID-19. For the purposes of determining when a fireman contracted COVID-19 under this subsection, the date of contraction is either the date that the fireman was diagnosed with COVID-19 or was unable to work due to symptoms that were later diagnosed as COVID-19, whichever occurred first.

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

(40 ILCS 5/6-151) (from Ch. 108 1/2, par. 6-151)

Sec. 6-151. An active fireman who is or becomes disabled on or after the effective date as the result of a specific injury, or of cumulative injuries, or of specific sickness

incurred in or resulting from an act or acts of duty, shall have the right to receive duty disability benefit during any period of such disability for which he does not receive or have a right to receive salary, equal to 75% of his salary at the time the disability is allowed. However, beginning January 1, 1994, no duty disability benefit that has been payable under this Section for at least 10 years shall be less than 50% of the current salary attached from time to time to the rank and grade held by the fireman at the time of his removal from the Department payroll, regardless of whether that removal occurred before the effective date of this amendatory Act of 1993.

Whenever an active fireman is or becomes so injured or sick, as to require medical or hospital attention, the chief officer of the fire department of the city shall file, or cause to be filed, with the board a report of the nature and cause of his disability, together with the certificate or report of the physician attending or treating, or who attended or treated the fireman, and a copy of any hospital record concerning the disability. Any injury or sickness not reported to the board in time to permit the board's physician to examine the fireman before his recovery, and any injury or sickness for which a physician's report or copy of the hospital record is not on file with the board shall not be considered for the payment of duty disability benefit.

Such fireman shall also receive a child's disability

benefit of \$30 per month on account of each unmarried child, the issue of the fireman or legally adopted by him, who is less than 18 years of age or handicapped and dependent upon the fireman for support. The total amount of child's disability benefit shall not exceed 25% of his salary at the time the disability is allowed.

The first payment of duty disability or child's disability benefit shall be made not later than one month after the benefit is granted. Each subsequent payment shall be made not later than one month after the date of the latest payment.

Duty disability benefit shall be payable during the period of the disability until the fireman reaches the age of compulsory retirement. Child's disability benefit shall be paid to such a fireman during the period of disability until such child or children attain age 18 or marries, whichever event occurs first; except that attainment of age 18 by a child who is so physically or mentally handicapped as to be dependent upon the fireman for support, shall not render the child ineligible for child's disability benefit. The fireman shall thereafter receive such annuity or annuities as are provided for him in accordance with other provisions of this Article.

For the purposes of this Section only, any fireman who becomes disabled as a result of exposure to and contraction of COVID-19, as evidenced by either a confirmed positive laboratory test for COVID-19 or COVID-19 antibodies or a

confirmed diagnosis of COVID-19 from a licensed medical professional shall:

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

(2) be rebuttably presumed to have been injured while in the performance of an act or acts of duty; and

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

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

It is the intent of the General Assembly that the change made by this amendatory Act shall apply retroactively to March

9, 2020, and any fireman who has been previously denied a duty disability benefit that would otherwise be entitled to duty disability benefit under this Section shall be entitled to retroactive benefits and duty disability benefit.

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

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

(30 ILCS 805/8.48 new)

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

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