



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB3082

Introduced 2/17/2023, by Rep. Justin Slaughter

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/5-157

from Ch. 108 1/2, par. 5-157

Amends the Chicago Police Article of the Illinois Pension Code. Provides that a policeman who assumes regular employment for compensation, while in receipt of disability benefits (instead of ordinary or duty disability benefits), shall not be entitled to receive any amount of such disability benefits which, when added to his or her compensation for such employment during disability, would exceed 125% (instead of 150%) of the rate of salary which would be paid to the policeman if he or she were working in his or her regularly appointed civil service position as a policeman. Provides that each policeman who is granted a disability benefit shall supply the Fund with a copy of his or her federal and state tax returns, along with all accompanying schedules, within 30 days after filing those returns. Provides that a policeman shall have no further right to receive the disability benefit if the policeman refuses to provide his or her filed tax returns. Provides that a policeman shall have an affirmative obligation to inform the fund when he or she has received a medical opinion that he or she no longer has a disability. Provides that when the disability ceases, the policeman shall have no further right to receive the benefit and he or she shall be returned to active service. Makes other changes. Effective immediately.

LRB103 25843 RPS 52194 b

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 Section 5-157 as follows:

6 (40 ILCS 5/5-157) (from Ch. 108 1/2, par. 5-157)

7 Sec. 5-157. Administration of disability benefits.

8 (a) If a policeman who is granted duty or ordinary  
9 disability benefit refuses to submit to examination by a  
10 physician appointed by the board, he shall have no further  
11 right to receive the benefit.

12 (b) A policeman who has withdrawn from service while  
13 disabled and entered upon annuity prior to the effective date,  
14 and who has thereafter been reinstated as a policeman, shall  
15 have no right to ordinary disability benefit in excess of the  
16 amount previously received unless he serves at least one year  
17 after such reinstatement. This provision shall apply  
18 throughout the duration of any disability incurred by the  
19 policeman within one year after his reinstatement resulting  
20 from any cause other than injury incurred in the performance  
21 of an act of duty.

22 (c) ~~A~~ ~~Until the effective date of this amendatory Act of~~  
23 ~~the 92nd General Assembly,~~ a policeman who assumes regular

1 employment for compensation, while in receipt of ~~ordinary or~~  
2 ~~duty~~ disability benefits, shall not be entitled to receive any  
3 amount of such disability benefits which, when added to his  
4 compensation for such employment during disability, would  
5 exceed 125% ~~150%~~ of the rate of salary which would be paid to  
6 him if he were working in his regularly appointed civil  
7 service position as a policeman. ~~The changes made to this~~  
8 ~~Section by Public Act 90-766 are not limited to persons in~~  
9 ~~service on or after the effective date of that Act.~~

10 Each policeman who is granted a disability benefit shall  
11 supply the Fund with a copy of his or her federal and state tax  
12 returns, along with all accompanying schedules, within 30 days  
13 after filing those returns. A policeman shall have no further  
14 right to receive the disability benefit if the policeman  
15 refuses to provide his or her filed tax returns. The reduction  
16 of disability benefits due to compensation for employment made  
17 by the changes to this Section by this amendatory Act of the  
18 103rd General Assembly shall apply to all persons in receipt  
19 of disability benefits on or after the effective date of this  
20 amendatory Act of the 103rd General Assembly.

21 ~~Beginning on the effective date of this amendatory Act of~~  
22 ~~the 92nd General Assembly, the reduction of disability~~  
23 ~~benefits due to compensation for employment previously imposed~~  
24 ~~under this subsection (c) no longer applies to any person~~  
25 ~~receiving a disability benefit under this Article, without~~  
26 ~~regard to whether the person is in service on or after that~~

1 ~~date. The removal of this limitation by this amendatory Act is~~  
2 ~~not retroactive and does not entitle any person to the~~  
3 ~~restoration of amounts previously reduced or withheld under~~  
4 ~~this subsection.~~

5 (d) Disability benefit shall not be paid for any part of  
6 time for which a disabled policeman shall receive any part of  
7 his salary.

8 (e) Except as herein otherwise provided, disability  
9 benefit shall not be paid for any disability based upon or  
10 caused by any mental or physical defect which the policeman  
11 had at the time he entered the police service.

12 (f) Disability benefit shall not be allowed to any  
13 policeman who re-enters the public service in any capacity  
14 where his salary is payable in whole or in part by taxes levied  
15 upon taxable property in the city in which this Article is in  
16 effect, or out of special revenues of any department of the  
17 city. The disability benefit shall be suspended during the  
18 period he is in the public service for compensation, and shall  
19 be resumed when he withdraws from such service.

20 (f-5) A policeman shall have an affirmative obligation to  
21 inform the fund when he or she has received a medical opinion  
22 that he or she no longer has a disability, as defined in  
23 Section 5-115. When the disability ceases, the policeman shall  
24 have no further right to receive the benefit and he or she  
25 shall be returned to active service.

26 (g) If a policeman receives any compensation as temporary

1 total disability, permanent total disability, a lump sum  
2 settlement award, or other payment under the Workers'  
3 Compensation Act or the Workers' Occupational Diseases Act as  
4 a result of the policeman's secondary employment for any  
5 injury resulting in disability, any disability benefit  
6 provided to the policeman for such disability under this  
7 Article shall be reduced by any compensation amount so  
8 received, if that compensation amount is less than the amount  
9 of the disability benefit. If the amount received as  
10 compensation exceeds the amount of the disability benefit, the  
11 policeman shall not receive the disability benefit until the  
12 disability benefit payable equals the amount of the  
13 compensation received without consideration of interest. The  
14 calculation of compensation received by the policeman as  
15 provided in this Section shall not take into consideration any  
16 benefits received under the Line of Duty Compensation Act.

17 If the widow, child or children, or parent or parents of a  
18 policeman, or any of these persons, receives any compensation  
19 under the Workers' Compensation Act or the Workers'  
20 Occupational Diseases Act as a result of the policeman's  
21 secondary employment for any injury resulting in the  
22 policeman's death, the annuities provided under this Article  
23 for those beneficiaries shall be reduced by any compensation  
24 amount so received, if that compensation amount is less than  
25 the amount of the annuities. If the amount received as  
26 compensation exceeds the amount of the annuities for the

1 widow, child or children, or parent or parents, the annuities  
2 shall not be payable until the accumulated value of the  
3 annuities equals the amount of the compensation received  
4 without consideration of interest. In making the adjustment,  
5 the annuity to the widow shall first be reduced. The  
6 calculation of compensation received by the widow, child or  
7 children, or parent or parents of a policeman, or any of these  
8 persons, as provided in this Section shall not take into  
9 consideration any benefits received under the Line of Duty  
10 Compensation Act or the Public Safety Officers Benefits Act of  
11 1976, 34 U.S.C. 10281 et seq.

12 (h) Any disability benefit paid in violation of this  
13 Section or of this Article shall be construed to have been paid  
14 in error, and the amounts so paid shall be charged as a debit  
15 in the account of any person to whom the same was paid and  
16 shall be deducted from any moneys thereafter payable to such  
17 person out of this fund, or to the widow, heirs or estate of  
18 such person.

19 (Source: P.A. 102-806, eff. 5-13-22.)

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