



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB5266

Introduced 2/9/2024, by Rep. Stephanie A. Kifowit

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/5-156.5 new  
30 ILCS 805/8.48 new

Amends the Chicago Police Article of the Illinois Pension Code. Provides that a policeman who applies for disability benefits under the Article and has been denied reinstatement as a policeman by his or her employer because of a physical or mental incapacity shall be presumed to be disabled as that term is used in the Article. Provides that no policeman who otherwise meets the requirements for a disability benefit shall be denied a disability benefit unless and until the policeman's employer reinstates him or her as a policeman or offers him or her a limited-duty position. Provides that the changes apply retroactively to January 1, 2023. Provides that any policeman who has been denied a disability benefit without an offer of reinstatement or a limited-duty position after January 1, 2023 shall be entitled to retroactive disability benefits. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB103 38079 RPS 68211 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 adding  
5 Section 5-156.5 as follows:

6 (40 ILCS 5/5-156.5 new)

7 Sec. 5-156.5. Presumption of disability; reinstatement.

8 (a) A policeman who applies for disability benefits under  
9 this Article and has been denied reinstatement as a policeman  
10 by his or her employer because of a physical or mental  
11 incapacity shall be presumed to be disabled as that term is  
12 used in this Article.

13 (b) No policeman who otherwise meets the requirements for  
14 a disability benefit shall be denied a disability benefit  
15 unless and until the policeman's employer reinstates him or  
16 her as a policeman or offers him or her a limited-duty  
17 position.

18 (c) This Section shall apply retroactively to January 1,  
19 2023. Any policeman who has been denied a disability benefit  
20 without an offer of reinstatement or a limited-duty position  
21 after January 1, 2023 shall be entitled to retroactive  
22 disability benefits. Notwithstanding Section 1-103.1, this  
23 Section applies without regard to whether the policeman was in

1 service on or after the effective date of this amendatory Act  
2 of the 103rd General Assembly.

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.