

1 AN ACT concerning public employee 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 changing  
5 Section 4-110 as follows:

6 (40 ILCS 5/4-110) (from Ch. 108 1/2, par. 4-110)

7 Sec. 4-110. Disability pension - Line of duty.

8 (a) If a firefighter, as the result of sickness, accident  
9 or injury incurred in or resulting from the performance of an  
10 act of duty or from the cumulative effects of acts of duty, is  
11 found, pursuant to Section 4-112, to be physically or mentally  
12 permanently disabled for service in the fire department, so as  
13 to render necessary his or her being placed on disability  
14 pension, the firefighter shall be entitled to a disability  
15 pension equal to the greater of (1) 65% of the monthly salary  
16 attached to the rank held by him or her in the fire department  
17 at the date he or she is removed from the municipality's fire  
18 department payroll or (2) the retirement pension that the  
19 firefighter would be eligible to receive if he or she retired  
20 (but not including any automatic annual increase in that  
21 retirement pension). A firefighter shall be considered "on  
22 duty" while on any assignment approved by the chief of the fire  
23 department, even though away from the municipality he or she

1 serves as a firefighter, if the assignment is related to the  
2 fire protection service of the municipality.

3 Such firefighter shall also be entitled to a child's  
4 disability benefit of \$20 a month on account of each unmarried  
5 child less than 18 years of age and dependent upon the  
6 firefighter for support, either the issue of the firefighter or  
7 legally adopted by him or her. The total amount of child's  
8 disability benefit payable to the firefighter, when added to  
9 his or her disability pension, shall not exceed 75% of the  
10 amount of salary which the firefighter was receiving at the  
11 date of retirement.

12 (b) Benefits payable on account of a child under this  
13 Section shall not be reduced or terminated by reason of the  
14 child's attainment of age 18 if he or she is then dependent by  
15 reason of a physical or mental disability but shall continue to  
16 be paid as long as such dependency continues. Individuals over  
17 the age of 18 and adjudged to be disabled persons pursuant to  
18 Article XIa of the Probate Act of 1975, except for persons  
19 receiving benefits under Article III of the Illinois Public Aid  
20 Code, shall be eligible to receive benefits under this Act.

21 (c) If a firefighter dies while still disabled and  
22 receiving a disability pension under this Section, the  
23 disability pension shall continue to be paid to the  
24 firefighter's survivors in the sequence provided in Section  
25 4-114. A pension previously granted under Section 4-114 to a  
26 survivor of a firefighter who died while receiving a disability

1 pension under this Section shall be deemed to be a continuation  
2 of the pension provided under this Section and shall be deemed  
3 to be in the nature of worker's compensation payments. The  
4 changes to this Section made by this amendatory Act of 1995 are  
5 intended to be retroactive and are not limited to persons in  
6 service on or after its effective date.

7 (d) The term "act of duty" shall include any term or  
8 condition of employment assigned to any firefighter, emergency  
9 medical technician (EMT), or paramedic by his or her employing  
10 entity and is not limited in any fashion to a firefighting  
11 activity that involves a special risk of the occupation. Any  
12 activity performed by a firefighter, EMT, or paramedic assigned  
13 by a supervisor directly or indirectly constitutes an act of  
14 duty, including, but not limited to, routine maintenance,  
15 housekeeping chores, clerical tasks, and other assigned  
16 duties. The term "act of duty" as used in other Articles of  
17 this Code has no application to this Article whatsoever.

18 (Source: P.A. 93-1090, eff. 3-11-05.)

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