



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB2479

Introduced 2/4/2025, by Rep. Stephanie A. Kifowit

SYNOPSIS AS INTRODUCED:

40 ILCS 5/5-156.5 new

40 ILCS 5/5-228

30 ILCS 805/8.49 new

from Ch. 108 1/2, par. 5-228

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 any policeman who has been denied a disability benefit without an offer of reinstatement or a limited-duty position after the effective date of the amendatory Act is entitled to disability benefits. Provides that if a policeman has an application for an ordinary disability benefit denied by a majority vote of the Board of Trustees of the Fund or has a duty disability benefit, ordinary disability benefit, or occupational disability benefit terminated by a majority vote of the Board and brings an action for administrative review challenging the termination or denial of the disability benefit and the policeman prevails in the action in administrative review, then the prevailing policeman shall be entitled to recover from the Fund court costs and litigation expenses, including reasonable attorney's fees, as part of the costs of the action. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB104 08789 RPS 18844 b

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

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 and by changing Section 5-228 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) Any policeman who has been denied a disability benefit
19 without an offer of reinstatement or a limited-duty position
20 after the effective date of this amendatory Act of the 104th
21 General Assembly is entitled to disability benefits.

22 (40 ILCS 5/5-228) (from Ch. 108 1/2, par. 5-228)

1 Sec. 5-228. Administrative review.

2 (a) The provisions of the Administrative Review Law, and
3 all amendments and modifications thereof and the rules adopted
4 pursuant thereto, shall apply to and govern all proceedings
5 for the judicial review of final administrative decisions of
6 the retirement board provided for under this Article. The term
7 "administrative decision" is as defined in Section 3-101 of
8 the Code of Civil Procedure.

9 (b) If any policeman whose application for ~~either~~ a duty
10 disability benefit under Section 5-154, ~~or~~ for an occupational
11 disease disability benefit under Section 5-154.1, or for an
12 ordinary disability benefit under Section 5-155 has been
13 denied by a majority vote of the Retirement Board brings an
14 action for administrative review challenging the denial of
15 disability benefits and the policeman prevails in the action
16 in administrative review, then the prevailing policeman shall
17 be entitled to recover from the Fund court costs and
18 litigation expenses, including reasonable attorney's fees, as
19 part of the costs of the action.

20 (c) If a policeman whose duty disability benefits,
21 ordinary disability benefits, or occupational disability
22 benefits are terminated by a majority vote of the Retirement
23 Board brings an action for administrative review challenging
24 the termination of those disability benefits and prevails in
25 the action in administrative review, then the prevailing
26 policeman shall be entitled to recover from the Fund court

1 costs and litigation expenses, including reasonable attorney's
2 fees, as part of the costs of the action.

3 (Source: P.A. 101-387, eff. 8-16-19.)

4 Section 90. The State Mandates Act is amended by adding
5 Section 8.49 as follows:

6 (30 ILCS 805/8.49 new)

7 Sec. 8.49. Exempt mandate. Notwithstanding Sections 6 and
8 8 of this Act, no reimbursement by the State is required for
9 the implementation of any mandate created by this amendatory
10 Act of the 104th General Assembly.

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