

COMMISSION ON GOVERNMENT FORECASTING AND ACCOUNTABILITY

PENSION IMPACT NOTE

96TH GENERAL ASSEMBLY

BILL NO: **HB 3840**

March 4, 2009

SPONSOR (S): Rose

SYSTEM(S): Downstate Police, Chicago Police

FISCAL IMPACT: There is no discernable fiscal impact associated with HB 3840.

SUBJECT MATTER: HB 3840 amends both the Downstate Police and Chicago Police articles of the Illinois Pension Code. For both Downstate and Chicago, the bill mandates that the chief of police must reinstate a disability annuitant who is found to be physically able to return to duty. In addition, the bill provides a mechanism for disability annuitants to recover reasonable court costs and attorneys fees if the officer must file suit against the employing municipality in order to force his or her return to the payroll.

FISCAL IMPACT: There is no discernable fiscal impact associated with HB 3840.

COMMENT:

Downstate Police Disability Provisions

Under current law, a police officer whose duty is suspended because of a disability may be required to appear before the board and to submit to a physical examination to determine fitness for duty. If a disability annuitant is found to be recovered from his disability, the board shall certify to the chief of police that the member is no longer disabled and is able to return to duty. HB 3840 provides that if a police officer must file a civil action against the municipality to enforce his or her mandated return to the payroll, then the police officer is entitled to recovery of reasonable court fees.

Chicago Police Disability Provisions

Currently, the Chicago Police article of the Pension Code stipulates that proof of disability must be furnished to the board, and that the disability annuitant must submit to a medical examination by a board-appointed physician at least once per year. When the disability ceases, the board shall discontinue payment of the disability benefit, and the policeman shall be returned to active service. HB 3840 provides that if the police officer must file a civil action against the city to enforce his or her mandated return to payroll, then the policeman is entitled to recovery of reasonable court costs and attorney's fees.

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