



Commission on Government Forecasting and Accountability

PENSION IMPACT NOTE *103RD General Assembly*

BILL NO: **HB 5264**

February 28, 2024

SPONSOR (S): Kifowit

SYSTEM: Chicago Police

FISCAL IMPACT

HB 5264 is expected to have a minor impact upon the Chicago Police Pension Fund, to the extent that the fund would be required to pay court costs and attorney's fees following a police officer's successful action of administrative review regarding a denied application for ordinary disability benefits or a termination of disability benefits as outlined in the bill.

The Chicago Police fund has not yet responded to requests for information regarding the number of cases pertaining to the circumstances outlined in the bill that have occurred over the last five fiscal years. An updated note will be issued upon receipt of that information.

SUBJECT MATTER: HB 5264 amends the Chicago Police Article of the Illinois Pension Code to entitle a Chicago police officer to recover court costs and litigation expenses from the fund if the officer prevails in an action for administrative review regarding the fund's denial of the officer's ordinary disability benefit. HB 5264 also creates a provision that entitles Chicago police officers to recover court costs and litigation expenses from the fund if an officer prevails in an action for administrative review regarding the fund's termination of his or her duty disability benefit, ordinary disability benefit, or an occupational disease disability. These changes are further detailed in the Comment section below.

COMMENT: Under current law, a Chicago police officer who prevails in an administrative review proceeding stemming from a denial of disability benefits is entitled to collect court costs,

litigation expenses, and reasonable attorney's fees connected to such litigation, but only in cases of duty disability or occupational disease disability benefits.

HB 5264 adds ordinary disability benefits to the provision described above. This would mean that a Chicago police officer who brings an action for administrative review regarding his or her denied application for an ordinary disability benefit and prevails in that action is also entitled to recover court costs and litigation expenses (including "reasonable attorney's fees") from the fund.

The bill also entitles Chicago police officers who prevail in an action for administrative review regarding the fund's termination of his or her duty disability benefit, ordinary disability benefit, or an occupational disease disability to recover court costs and litigation expenses (including "reasonable attorney's fees") from the pension fund.

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