



Rep. Kambium Buckner

Filed: 5/3/2019

10100SB1996ham001

LRB101 08808 RPS 60171 a

1 AMENDMENT TO SENATE BILL 1996

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1996 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by  
5 changing Sections 5-157 and 5-227 as follows:

6 (40 ILCS 5/5-157) (from Ch. 108 1/2, par. 5-157)

7 Sec. 5-157. Administration of disability benefits.

8 (a) If a policeman who is granted duty or ordinary  
9 disability benefit refuses to submit to examination by a  
10 physician appointed by the board, he shall have no further  
11 right to receive the benefit.

12 (b) A policeman who has withdrawn from service while  
13 disabled and entered upon annuity prior to the effective date,  
14 and who has thereafter been reinstated as a policeman, shall  
15 have no right to ordinary disability benefit in excess of the  
16 amount previously received unless he serves at least one year

1 after such reinstatement. This provision shall apply  
2 throughout the duration of any disability incurred by the  
3 policeman within one year after his reinstatement resulting  
4 from any cause other than injury incurred in the performance of  
5 an act of duty.

6 (c) Until the effective date of this amendatory Act of the  
7 92nd General Assembly, a policeman who assumes regular  
8 employment for compensation, while in receipt of ordinary or  
9 duty disability benefits, shall not be entitled to receive any  
10 amount of such disability benefits which, when added to his  
11 compensation for such employment during disability, would  
12 exceed 150% of the rate of salary which would be paid to him if  
13 he were working in his regularly appointed civil service  
14 position as a policeman. The changes made to this Section by  
15 Public Act 90-766 are not limited to persons in service on or  
16 after the effective date of that Act.

17 Beginning on the effective date of this amendatory Act of  
18 the 92nd General Assembly, the reduction of disability benefits  
19 due to compensation for employment previously imposed under  
20 this subsection (c) no longer applies to any person receiving a  
21 disability benefit under this Article, without regard to  
22 whether the person is in service on or after that date. The  
23 removal of this limitation by this amendatory Act is not  
24 retroactive and does not entitle any person to the restoration  
25 of amounts previously reduced or withheld under this  
26 subsection.

1 (d) Disability benefit shall not be paid for any part of  
2 time for which a disabled policeman shall receive any part of  
3 his salary.

4 (e) Except as herein otherwise provided, disability  
5 benefit shall not be paid for any disability based upon or  
6 caused by any mental or physical defect which the policeman had  
7 at the time he entered the police service.

8 (f) Disability benefit shall not be allowed to any  
9 policeman who re-enters the public service in any capacity  
10 where his salary is payable in whole or in part by taxes levied  
11 upon taxable property in the city in which this Article is in  
12 effect, or out of special revenues of any department of the  
13 city. The disability benefit shall be suspended during the  
14 period he is in the public service for compensation, and shall  
15 be resumed when he withdraws from such service.

16 (g) Any disability benefit paid in violation of this  
17 Section or of this Article shall be construed to have been paid  
18 in error, and the amounts so paid shall be charged as a debit  
19 in the account of any person to whom the same was paid and  
20 shall be deducted from any moneys thereafter payable to such  
21 person out of this fund, or to the widow, heirs or estate of  
22 such person.

23 (h) Disability benefits shall not be paid to any policeman  
24 who first becomes a policeman on or after the effective date of  
25 this amendatory Act of the 101st General Assembly while the  
26 policeman resides outside the State of Illinois, unless such

1 residence is by permission of the board.

2 (Source: P.A. 92-52, eff. 7-12-01.)

3 (40 ILCS 5/5-227) (from Ch. 108 1/2, par. 5-227)

4 Sec. 5-227. Felony conviction. None of the benefits  
5 provided for in this Article shall be paid to any person who is  
6 convicted of any felony relating to or arising out of or in  
7 connection with his service as a policeman.

8 None of the benefits provided for in this Article shall be  
9 paid to any person who otherwise would receive a survivor  
10 benefit who is convicted of any felony relating to or arising  
11 out of or in connection with the service of the policeman from  
12 whom the benefit results.

13 None of the benefits provided for in this Article shall be  
14 paid to any person who is convicted of any felony while in  
15 receipt of disability benefits.

16 None of the benefits provided for in this Article shall be  
17 paid to any person who is convicted of any felony relating to  
18 or arising out of or in connection with the intentional and  
19 wrongful death of a police officer, either active or retired,  
20 through whom such person would become eligible to receive, or  
21 is receiving, an annuity under this Article.

22 A person who intentionally and unjustifiably causes delay  
23 in proceedings for which the person is ultimately convicted of  
24 a felony relating to or arising out of or in connection with  
25 his service as a policeman shall not be entitled to any

1 benefits provided for in this Article on and after the filing  
2 date of the related indictment or charges. This paragraph  
3 applies to all persons whose felony conviction was entered on  
4 or after January 1, 2019.

5 Any refund required under this Article shall be calculated  
6 based on that person's contributions to the Fund, less the  
7 amount of any annuity benefit previously received by the person  
8 or his or her beneficiaries. This paragraph applies to all  
9 persons who make an application for refund to the Fund on or  
10 after January 1, 2019.

11 This Section shall not operate to impair any contract or  
12 vested right heretofore acquired under any law or laws  
13 continued in this Article, nor to preclude the right to a  
14 refund, and for the changes under this amendatory Act of the  
15 100th General Assembly, shall not impair any contract or vested  
16 right acquired by a survivor prior to the effective date of  
17 this amendatory Act of the 100th General Assembly.

18 All future entrants entering service subsequent to July 11,  
19 1955, shall be deemed to have consented to the provisions of  
20 this Section as a condition of coverage, and all participants  
21 entering service subsequent to the effective date of this  
22 amendatory Act of the 100th General Assembly shall be deemed to  
23 have consented to the provisions of this amendatory Act as a  
24 condition of participation.

25 (Source: P.A. 100-334, eff. 8-25-17.)

1           Section 90. The State Mandates Act is amended by adding  
2 Section 8.43 as follows:

3           (30 ILCS 805/8.43 new)

4           Sec. 8.43. Exempt mandate. Notwithstanding Sections 6 and 8  
5 of this Act, no reimbursement by the State is required for the  
6 implementation of any mandate created by this amendatory Act of  
7 the 101st General Assembly.

8           Section 99. Effective date. This Act takes effect upon  
9 becoming law.".