



Sen. Robert F. Martwick

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10300HB5264sam001

LRB103 38085 RPS 73096 a

1 AMENDMENT TO HOUSE BILL 5264

2 AMENDMENT NO. _____. Amend House Bill 5264 by replacing
3 everything after the enacting clause with the following:

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

1 position.

2 (c) Any policeman who has been denied a disability benefit
3 without an offer of reinstatement or a limited-duty position
4 after the effective date of this amendatory Act of the 103rd
5 General Assembly is entitled to disability benefits.

6 (40 ILCS 5/5-228) (from Ch. 108 1/2, par. 5-228)

7 Sec. 5-228. Administrative review.

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

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

1 (c) If a policeman whose duty disability benefits,
2 ordinary disability benefits, or occupational disability
3 benefits are terminated by a majority vote of the Retirement
4 Board brings an action for administrative review challenging
5 the termination of those disability benefits and prevails in
6 the action in administrative review, then the prevailing
7 policeman shall be entitled to recover from the Fund court
8 costs and litigation expenses, including reasonable attorney's
9 fees, as part of the costs of the action.

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

11 Section 90. The State Mandates Act is amended by adding
12 Section 8.48 as follows:

13 (30 ILCS 805/8.48 new)

14 Sec. 8.48. Exempt mandate. Notwithstanding Sections 6 and
15 8 of this Act, no reimbursement by the State is required for
16 the implementation of any mandate created by this amendatory
17 Act of the 103rd General Assembly.

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