



Rep. John D. Anthony

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09900SB1102ham002

LRB099 05349 HLH 36209 a

1 AMENDMENT TO SENATE BILL 1102

2 AMENDMENT NO. _____. Amend Senate Bill 1102, AS AMENDED,
3 with reference to page and line numbers of House Amendment No.
4 1, by replacing everything from line 20 on page 9 through line
5 3 on page 10 with the following:

6 "If an employee of a local public entity is a defendant in
7 any criminal action arising out of or incidental to the
8 performance of his or her duties, the local public entity shall
9 not provide representation for the employee in that criminal
10 action. However, the local public entity may reimburse the
11 employee for reasonable defense costs only if the criminal
12 action was instituted against the employee based upon an act or
13 omission of that employee arising out of and directly related
14 the lawful exercise of his or her official duty or under color
15 of his or her authority and that action is dismissed or results
16 in a final disposition in favor of that employee.

17 The provisions of indemnification, as set forth above,
18 shall be justifiably refused by the local public entity if it

1 is determined that there exists a current insurance policy or a
2 contract, by virtue of which the employee is entitled to a
3 defense of the action in question.

4 Nothing in this Act shall be construed to prohibit a local
5 public entity from providing representation to an employee who
6 is a witness in a criminal matter arising out of that
7 employee's employment with the local government entity."; and

8 on page 10, line 5, by deleting "upon"; and

9 on page 10, line 6, by replacing "becoming law" with "on
10 January 1, 2017".