



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3611

Introduced 2/9/2024, by Sen. Robert F. Martwick

SYNOPSIS AS INTRODUCED:

40 ILCS 5/5-228

from Ch. 108 1/2, par. 5-228

30 ILCS 805/8.48 new

Amends the Chicago Police Article of the Illinois Pension Code. Provides that if a policeman has an application for an ordinary disability benefit denied by the Board of Trustees of the Fund or has a duty disability benefit, ordinary disability benefit, or occupational disability benefit terminated by the Board and brings an action for administrative review challenging the termination or denial of the disability benefit and the policeman prevails in the action in administrative review, then the prevailing policeman shall be entitled to recover from the Fund court costs and litigation expenses, including reasonable attorney's fees, as part of the costs of the action. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB103 38084 RPS 68216 b

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning public employee benefits.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Pension Code is amended by
5 changing Section 5-228 as follows:

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 the Retirement Board brings an action for
20 administrative review challenging the denial of disability
21 benefits and the policeman prevails in the action in
22 administrative review, then the prevailing policeman shall be
23 entitled to recover from the Fund court costs and litigation

1 expenses, including reasonable attorney's fees, as part of the
2 costs of the action.

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

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

13 Section 90. The State Mandates Act is amended by adding
14 Section 8.48 as follows:

15 (30 ILCS 805/8.48 new)

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

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.