



Sen. Bill Cunningham

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10100HB2470sam001

LRB101 08877 RPS 60767 a

1 AMENDMENT TO HOUSE BILL 2470

2 AMENDMENT NO. _____. Amend House Bill 2470 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by
5 changing Sections 5-227 and 5-228 as follows:

6 (40 ILCS 5/5-227) (from Ch. 108 1/2, par. 5-227)

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

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

16 None of the benefits provided for in this Article shall be

1 paid to any person who is convicted of any felony while in
2 receipt of disability benefits.

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

9 A person who intentionally and unjustifiably causes delay
10 in proceedings in which the person is ultimately convicted of a
11 felony relating to or arising out of or in connection with his
12 service as a policeman shall not be entitled to any benefits
13 provided for in this Article on and after the filing date of
14 the related indictment or charges. This paragraph applies to
15 all persons whose felony conviction was entered on or after
16 January 1, 2019.

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

23 This Section shall not operate to impair any contract or
24 vested right heretofore acquired under any law or laws
25 continued in this Article, nor to preclude the right to a
26 refund, and for the changes under this amendatory Act of the

1 100th General Assembly, shall not impair any contract or vested
2 right acquired by a survivor prior to the effective date of
3 this amendatory Act of the 100th General Assembly.

4 All future entrants entering service subsequent to July 11,
5 1955, shall be deemed to have consented to the provisions of
6 this Section as a condition of coverage, and all participants
7 entering service subsequent to the effective date of this
8 amendatory Act of the 100th General Assembly shall be deemed to
9 have consented to the provisions of this amendatory Act as a
10 condition of participation.

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

12 (40 ILCS 5/5-228) (from Ch. 108 1/2, par. 5-228)

13 Sec. 5-228. Administrative review.

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

21 (b) If any policeman whose application for either a duty
22 disability benefit under Section 5-154 or for an occupational
23 disease disability benefit under Section 5-154.1 has been
24 denied by the Retirement Board brings an action for
25 administrative review challenging the denial of disability

1 benefits and the policeman prevails in the action in
2 administrative review, then the prevailing policeman shall be
3 entitled to recover from the Fund court costs and litigation
4 expenses, including reasonable attorney's fees, as part of the
5 costs of the action.

6 (Source: P.A. 82-783.)

7 Section 90. The State Mandates Act is amended by adding
8 Section 8.43 as follows:

9 (30 ILCS 805/8.43 new)

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

14 Section 99. Effective date. This Act takes effect upon
15 becoming law."