



Sen. Robert F. Martwick

**Filed: 5/9/2024**

10300HB5264sam002

LRB103 38085 RPS 73257 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 (40 ILCS 5/5-228) (from Ch. 108 1/2, par. 5-228)

3 Sec. 5-228. Administrative review.

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

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

22 (c) If a policeman whose duty disability benefits,  
23 ordinary disability benefits, or occupational disability  
24 benefits are terminated by a majority vote of the Retirement  
25 Board brings an action for administrative review challenging

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

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

7 Section 90. The State Mandates Act is amended by adding  
8 Section 8.48 as follows:

9 (30 ILCS 805/8.48 new)

10 Sec. 8.48. Exempt mandate. Notwithstanding Sections 6 and  
11 8 of this Act, no reimbursement by the State is required for  
12 the implementation of any mandate created by this amendatory  
13 Act of the 103rd General Assembly.

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