



## 100TH GENERAL ASSEMBLY

### State of Illinois

### 2017 and 2018

### HB0350

by Rep. David McSweeney

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/2-156	from Ch. 108 1/2, par. 2-156
40 ILCS 5/3-147	from Ch. 108 1/2, par. 3-147
40 ILCS 5/4-138	from Ch. 108 1/2, par. 4-138
40 ILCS 5/5-227	from Ch. 108 1/2, par. 5-227
40 ILCS 5/6-221	from Ch. 108 1/2, par. 6-221
40 ILCS 5/7-219	from Ch. 108 1/2, par. 7-219
40 ILCS 5/8-251	from Ch. 108 1/2, par. 8-251
40 ILCS 5/9-235	from Ch. 108 1/2, par. 9-235
40 ILCS 5/10-109	
40 ILCS 5/11-230	from Ch. 108 1/2, par. 11-230
40 ILCS 5/12-191	from Ch. 108 1/2, par. 12-191
40 ILCS 5/13-807	from Ch. 108 1/2, par. 13-807
40 ILCS 5/14-149	from Ch. 108 1/2, par. 14-149
40 ILCS 5/15-187	from Ch. 108 1/2, par. 15-187
40 ILCS 5/16-199	from Ch. 108 1/2, par. 16-199
40 ILCS 5/17-149.1	from Ch. 108 1/2, par. 17-149.1
40 ILCS 5/18-163	from Ch. 108 1/2, par. 18-163

Amends the Illinois Pension Code. Provides for the forfeiture of benefits for any person who otherwise would receive a survivor benefit who is convicted of any felony relating to or arising out of or in connection with the service of the member from whom the benefit results. Provides that all participants entering service after the effective date of the amendatory Act shall be deemed to have consented to that provision. Provides that the changes under the amendatory Act shall not impair any contract or vested right acquired by a survivor before the effective date of the amendatory Act. Effective immediately.

LRB100 04339 RPS 14345 b

FISCAL NOTE ACT  
MAY APPLY

PENSION IMPACT  
NOTE ACT MAY  
APPLY

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 changing  
5 Sections 2-156, 3-147, 4-138, 5-227, 6-221, 7-219, 8-251,  
6 9-235, 10-109, 11-230, 12-191, 13-807, 14-149, 15-187, 16-199,  
7 17-149.1, and 18-163 as follows:

8 (40 ILCS 5/2-156) (from Ch. 108 1/2, par. 2-156)

9 Sec. 2-156. Felony conviction. None of the benefits herein  
10 provided for shall be paid to any person who is convicted of  
11 any felony relating to or arising out of or in connection with  
12 his or her service as a member.

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

18 This Section shall not operate to impair any contract or  
19 vested right acquired prior to July 11, 1955 under any law or  
20 laws continued in this Article, nor to preclude the right to a  
21 refund, and for the changes under this amendatory Act of the  
22 100th General Assembly, shall not impair any contract or vested  
23 right acquired by a survivor prior to the effective date of

1 this amendatory Act of the 100th General Assembly.

2 All participants entering service subsequent to July 11,  
3 1955 shall be deemed to have consented to the provisions of  
4 this Section as a condition of participation, and all  
5 participants entering service subsequent to the effective date  
6 of this amendatory Act of the 100th General Assembly shall be  
7 deemed to have consented to the provisions of this amendatory  
8 Act as a condition of participation.

9 (Source: P.A. 83-1440.)

10 (40 ILCS 5/3-147) (from Ch. 108 1/2, par. 3-147)

11 Sec. 3-147. Felony conviction. None of the benefits  
12 provided in this Article shall be paid to any person who is  
13 convicted of any felony relating to or arising out of or in  
14 connection with his or her service as a police officer.

15 None of the benefits provided for in this Article shall be  
16 paid to any person who otherwise would receive a survivor  
17 benefit who is convicted of any felony relating to or arising  
18 out of or in connection with the service of the police officer  
19 from whom the benefit results.

20 This Section shall not impair any contract or vested right  
21 acquired prior to July 11, 1955 under any law continued in this  
22 Article, nor preclude the right to a refund, and for the  
23 changes under this amendatory Act of the 100th General  
24 Assembly, shall not impair any contract or vested right  
25 acquired by a survivor prior to the effective date of this

1 amendatory Act of the 100th General Assembly.

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

9 (Source: P.A. 83-1440.)

10 (40 ILCS 5/4-138) (from Ch. 108 1/2, par. 4-138)

11 Sec. 4-138. Felony conviction. None of the benefits  
12 provided under this Article shall be paid to any person who is  
13 convicted of any felony relating to or arising out of or in  
14 connection with service as a firefighter.

15 None of the benefits provided for in this Article shall be  
16 paid to any person who otherwise would receive a survivor  
17 benefit who is convicted of any felony relating to or arising  
18 out of or in connection with the service of the firefighter  
19 from whom the benefit results.

20 This Section shall not impair any contract or vested right  
21 acquired prior to July 11, 1955 under any law continued in this  
22 Article, nor preclude the right to a refund, and for the  
23 changes under this amendatory Act of the 100th General  
24 Assembly, shall not impair any contract or vested right  
25 acquired by a survivor prior to the effective date of this

1 amendatory Act of the 100th General Assembly.

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

9 (Source: P.A. 83-1440.)

10 (40 ILCS 5/5-227) (from Ch. 108 1/2, par. 5-227)

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

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

20 None of the benefits provided for in this Article shall be  
21 paid to any person who is convicted of any felony while in  
22 receipt of disability benefits.

23 None of the benefits provided for in this Article shall be  
24 paid to any person who is convicted of any felony relating to  
25 or arising out of or in connection with the intentional and

1 wrongful death of a police officer, either active or retired,  
2 through whom such person would become eligible to receive, or  
3 is receiving, an annuity under this Article.

4 This Section shall not operate to impair any contract or  
5 vested right heretofore acquired under any law or laws  
6 continued in this Article, nor to preclude the right to a  
7 refund, and for the changes under this amendatory Act of the  
8 100th General Assembly, shall not impair any contract or vested  
9 right acquired by a survivor prior to the effective date of  
10 this amendatory Act of the 100th General Assembly.

11 All future entrants entering service subsequent to July 11,  
12 1955, shall be deemed to have consented to the provisions of  
13 this Section as a condition of coverage, and all participants  
14 entering service subsequent to the effective date of this  
15 amendatory Act of the 100th General Assembly shall be deemed to  
16 have consented to the provisions of this amendatory Act as a  
17 condition of participation.

18 (Source: P.A. 83-809.)

19 (40 ILCS 5/6-221) (from Ch. 108 1/2, par. 6-221)

20 Sec. 6-221. Felony conviction. None of the benefits  
21 provided in this Article shall be paid to any person who is  
22 convicted of any felony relating to or arising out of or in  
23 connection with his service as a fireman.

24 None of the benefits provided for in this Article shall be  
25 paid to any person who otherwise would receive a survivor

1 benefit who is convicted of any felony relating to or arising  
2 out of or in connection with the service of the fireman from  
3 whom the benefit results.

4 This section shall not operate to impair any contract or  
5 vested right heretofore acquired under any law or laws  
6 continued in this Article, nor to preclude the right to a  
7 refund, and for the changes under this amendatory Act of the  
8 100th General Assembly, shall not impair any contract or vested  
9 right acquired by a survivor prior to the effective date of  
10 this amendatory Act of the 100th General Assembly.

11 All future entrants after July 11, 1955 shall be deemed to  
12 have consented to the provisions of this section as a condition  
13 of coverage, and all participants entering service subsequent  
14 to the effective date of this amendatory Act of the 100th  
15 General Assembly shall be deemed to have consented to the  
16 provisions of this amendatory Act as a condition of  
17 participation.

18 (Source: Laws 1963, p. 161.)

19 (40 ILCS 5/7-219) (from Ch. 108 1/2, par. 7-219)

20 Sec. 7-219. Felony conviction.

21 None of the benefits provided for in this Article shall be  
22 paid to any person who is convicted of any felony relating to  
23 or arising out of or in connection with his service as an  
24 employee.

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

1 paid to any person who otherwise would receive a survivor  
2 benefit who is convicted of any felony relating to or arising  
3 out of or in connection with the service of the employee from  
4 whom the benefit results.

5 This Section shall not operate to impair any contract or  
6 vested right heretofore acquired under any law or laws  
7 continued in this Article, nor to preclude the right to a  
8 refund, and for the changes under this amendatory Act of the  
9 100th General Assembly, shall not impair any contract or vested  
10 right acquired by a survivor prior to the effective date of  
11 this amendatory Act of the 100th General Assembly.

12 All future entrants entering service subsequent to July 9,  
13 1955 shall be deemed to have consented to the provisions of  
14 this Section as a condition of coverage, and all participants  
15 entering service subsequent to the effective date of this  
16 amendatory Act of the 100th General Assembly shall be deemed to  
17 have consented to the provisions of this amendatory Act as a  
18 condition of participation.

19 (Source: Laws 1963, p. 161.)

20 (40 ILCS 5/8-251) (from Ch. 108 1/2, par. 8-251)

21 Sec. 8-251. Felony conviction.

22 None of the benefits provided for in this Article shall be  
23 paid to any person who is convicted of any felony relating to  
24 or arising out of or in connection with his service as a  
25 municipal employee.



1       None of the benefits provided for in this Article shall be  
2 paid to any person who otherwise would receive a survivor  
3 benefit who is convicted of any felony relating to or arising  
4 out of or in connection with the service of the employee from  
5 whom the benefit results.

6       This section shall not operate to impair any contract or  
7 vested right heretofore acquired under any law or laws  
8 continued in this Article, nor to preclude the right to a  
9 refund, and for the changes under this amendatory Act of the  
10 100th General Assembly, shall not impair any contract or vested  
11 right acquired by a survivor prior to the effective date of  
12 this amendatory Act of the 100th General Assembly.

13       All future entrants entering service subsequent to July 11,  
14 1955 shall be deemed to have consented to the provisions of  
15 this section as a condition of coverage, and all participants  
16 entering service subsequent to the effective date of this  
17 amendatory Act of the 100th General Assembly shall be deemed to  
18 have consented to the provisions of this amendatory Act as a  
19 condition of participation.

20       (Source: Laws 1963, p. 161.)

21       (40 ILCS 5/9-235) (from Ch. 108 1/2, par. 9-235)

22       Sec. 9-235. Felony conviction.

23       None of the benefits provided in this Article shall be paid  
24 to any person who is convicted of any felony relating to or  
25 arising out of or in connection with his service as an

1 employee.

2 None of the benefits provided for in this Article shall be  
3 paid to any person who otherwise would receive a survivor  
4 benefit who is convicted of any felony relating to or arising  
5 out of or in connection with the service of the employee from  
6 whom the benefit results.

7 This section shall not operate to impair any contract or  
8 vested right heretofore acquired under any law or laws  
9 continued in this Article, nor to preclude the right to a  
10 refund, and for the changes under this amendatory Act of the  
11 100th General Assembly, shall not impair any contract or vested  
12 right acquired by a survivor prior to the effective date of  
13 this amendatory Act of the 100th General Assembly.

14 All future entrants entering service after July 11, 1955,  
15 shall be deemed to have consented to the provisions of this  
16 section as a condition of coverage, and all participants  
17 entering service subsequent to the effective date of this  
18 amendatory Act of the 100th General Assembly shall be deemed to  
19 have consented to the provisions of this amendatory Act as a  
20 condition of participation.

21 (Source: Laws 1963, p. 161.)

22 (40 ILCS 5/10-109)

23 Sec. 10-109. Felony conviction. None of the benefits  
24 provided in this Article shall be paid to any person who is  
25 convicted of any felony relating to or arising out of or in

1 connection with his service as an employee.

2 None of the benefits provided for in this Article shall be  
3 paid to any person who otherwise would receive a survivor  
4 benefit who is convicted of any felony relating to or arising  
5 out of or in connection with the service of the employee from  
6 whom the benefit results.

7 This Section shall not operate to impair any contract or  
8 vested right heretofore acquired under any law or laws  
9 continued in this Article, nor to preclude the right to a  
10 refund, and for the changes under this amendatory Act of the  
11 100th General Assembly, shall not impair any contract or vested  
12 right acquired by a survivor prior to the effective date of  
13 this amendatory Act of the 100th General Assembly.

14 All future entrants entering service after the effective  
15 date of this amendatory Act of the 95th General Assembly shall  
16 be deemed to have consented to the provisions of this Section  
17 as a condition of coverage, and all participants entering  
18 service subsequent to the effective date of this amendatory Act  
19 of the 100th General Assembly shall be deemed to have consented  
20 to the provisions of this amendatory Act as a condition of  
21 participation.

22 (Source: P.A. 95-1036, eff. 2-17-09.)

23 (40 ILCS 5/11-230) (from Ch. 108 1/2, par. 11-230)

24 Sec. 11-230. Felony conviction.

25 None of the benefits provided in this Article shall be paid

1 to any person who is convicted of any felony relating to or  
2 arising out of or in connection with his service as employee.

3 None of the benefits provided for in this Article shall be  
4 paid to any person who otherwise would receive a survivor  
5 benefit who is convicted of any felony relating to or arising  
6 out of or in connection with the service of the employee from  
7 whom the benefit results.

8 This section shall not operate to impair any contract or  
9 vested right heretofore acquired under any law or laws  
10 continued in this Article, nor to preclude the right to a  
11 refund, and for the changes under this amendatory Act of the  
12 100th General Assembly, shall not impair any contract or vested  
13 right acquired by a survivor prior to the effective date of  
14 this amendatory Act of the 100th General Assembly.

15 All future entrants entering service after July 11, 1955,  
16 shall be deemed to have consented to the provisions of this  
17 section as a condition of coverage, and all participants  
18 entering service subsequent to the effective date of this  
19 amendatory Act of the 100th General Assembly shall be deemed to  
20 have consented to the provisions of this amendatory Act as a  
21 condition of participation.

22 (Source: Laws 1963, p. 161.)

23 (40 ILCS 5/12-191) (from Ch. 108 1/2, par. 12-191)

24 Sec. 12-191. Felony conviction.

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

1 paid to any person who is convicted of any felony relating to  
2 or arising out of or in connection with his service as an  
3 employee.

4 None of the benefits provided for in this Article shall be  
5 paid to any person who otherwise would receive a survivor  
6 benefit who is convicted of any felony relating to or arising  
7 out of or in connection with the service of the employee from  
8 whom the benefit results.

9 This section shall not operate to impair any contract or  
10 vested right heretofore acquired under any law or laws  
11 continued in this Article, nor to preclude the right to a  
12 refund, and for the changes under this amendatory Act of the  
13 100th General Assembly, shall not impair any contract or vested  
14 right acquired by a survivor prior to the effective date of  
15 this amendatory Act of the 100th General Assembly.

16 All future entrants entering service subsequent to July 11,  
17 1955 shall be deemed to have consented to the provisions of  
18 this section as a condition of coverage, and all participants  
19 entering service subsequent to the effective date of this  
20 amendatory Act of the 100th General Assembly shall be deemed to  
21 have consented to the provisions of this amendatory Act as a  
22 condition of participation.

23 (Source: Laws 1963, p. 161.)

24 (40 ILCS 5/13-807) (from Ch. 108 1/2, par. 13-807)

25 Sec. 13-807. Felony conviction. None of the benefits

1 provided in this Article shall be paid to any person who is  
2 convicted of any felony relating to or arising out of or in  
3 connection with service as an employee.

4 None of the benefits provided for in this Article shall be  
5 paid to any person who otherwise would receive a survivor  
6 benefit who is convicted of any felony relating to or arising  
7 out of or in connection with the service of the employee from  
8 whom the benefit results.

9 This section shall not operate to impair any contract or  
10 vested right heretofore acquired under any law or laws  
11 continued in this Article, nor to preclude the right to a  
12 refund, and for the changes under this amendatory Act of the  
13 100th General Assembly, shall not impair any contract or vested  
14 right acquired by a survivor prior to the effective date of  
15 this amendatory Act of the 100th General Assembly.

16 All persons entering service subsequent to July 11, 1955  
17 shall be deemed to have consented to the provisions of this  
18 Section as a condition of coverage, and all participants  
19 entering service subsequent to the effective date of this  
20 amendatory Act of the 100th General Assembly shall be deemed to  
21 have consented to the provisions of this amendatory Act as a  
22 condition of participation.

23 (Source: P.A. 87-794.)

24 (40 ILCS 5/14-149) (from Ch. 108 1/2, par. 14-149)

25 Sec. 14-149. Felony conviction. None of the benefits herein

1 provided for shall be paid to any person who is convicted of  
2 any felony relating to or arising out of or in connection with  
3 his service as an employee.

4 None of the benefits provided for in this Article shall be  
5 paid to any person who otherwise would receive a survivor  
6 benefit who is convicted of any felony relating to or arising  
7 out of or in connection with the service of the employee from  
8 whom the benefit results.

9 This Section shall not operate to impair any contract or  
10 vested right heretofore acquired under any law or laws  
11 continued in this Article nor to preclude the right to a  
12 refund, and for the changes under this amendatory Act of the  
13 100th General Assembly, shall not impair any contract or vested  
14 right acquired by a survivor prior to the effective date of  
15 this amendatory Act of the 100th General Assembly.

16 All future entrants entering service subsequent to July 9,  
17 1955 shall be deemed to have consented to the provisions of  
18 this section as a condition of coverage, and all participants  
19 entering service subsequent to the effective date of this  
20 amendatory Act of the 100th General Assembly shall be deemed to  
21 have consented to the provisions of this amendatory Act as a  
22 condition of participation.

23 (Source: P.A. 80-841.)

24 (40 ILCS 5/15-187) (from Ch. 108 1/2, par. 15-187)

25 Sec. 15-187. Felony conviction. None of the benefits

1 provided under this Article shall be paid to any person who is  
2 convicted of any felony relating to or arising out of or in  
3 connection with the person's service as an employee.

4 None of the benefits provided for in this Article shall be  
5 paid to any person who otherwise would receive a survivor  
6 benefit who is convicted of any felony relating to or arising  
7 out of or in connection with the service of the employee from  
8 whom the benefit results.

9 This Section shall not operate to impair any contract or  
10 vested right heretofore acquired under any law or laws  
11 continued in this Article, nor to preclude the right to a  
12 refund, and for the changes under this amendatory Act of the  
13 100th General Assembly, shall not impair any contract or vested  
14 right acquired by a survivor prior to the effective date of  
15 this amendatory Act of the 100th General Assembly. No refund  
16 paid to any person who is convicted of a felony relating to or  
17 arising out of or in connection with the person's service as an  
18 employee shall include employer contributions or interest or,  
19 in the case of the self-managed plan authorized under Section  
20 15-158.2, any employer contributions or investment return on  
21 such employer contributions.

22 All persons entering service subsequent to July 9, 1955  
23 shall be deemed to have consented to the provisions of this  
24 Section as a condition of coverage, and all participants  
25 entering service subsequent to the effective date of this  
26 amendatory Act of the 100th General Assembly shall be deemed to



1 have consented to the provisions of this amendatory Act as a  
2 condition of participation.

3 (Source: P.A. 93-347, eff. 7-24-03.)

4 (40 ILCS 5/16-199) (from Ch. 108 1/2, par. 16-199)

5 Sec. 16-199. Felony conviction. None of the benefits  
6 provided for in this Article shall be paid to any person who is  
7 convicted of any felony relating to or arising out of or in  
8 connection with his or her service as a teacher.

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

14 This Section shall not operate to impair any contract or  
15 vested right acquired prior to July 9, 1955 under any law or  
16 laws continued in this Article, nor to preclude the right to a  
17 refund, and for the changes under this amendatory Act of the  
18 100th General Assembly, shall not impair any contract or vested  
19 right acquired by a survivor prior to the effective date of  
20 this amendatory Act of the 100th General Assembly. The System  
21 may sue any such person to collect all moneys paid in excess of  
22 refundable contributions.

23 All teachers entering or re-entering service after July 9,  
24 1955 shall be deemed to have consented to the provisions of  
25 this Section as a condition of membership, and all participants

1 entering service subsequent to the effective date of this  
2 amendatory Act of the 100th General Assembly shall be deemed to  
3 have consented to the provisions of this amendatory Act as a  
4 condition of participation.

5 (Source: P.A. 85-1008.)

6 (40 ILCS 5/17-149.1) (from Ch. 108 1/2, par. 17-149.1)

7 Sec. 17-149.1. 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 or her service as a teacher.

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 teacher from  
15 whom the benefit results.

16 This Section shall not operate to impair any contract or  
17 vested right acquired prior to January 1, 1988, nor to preclude  
18 the right to a refund, and for the changes under this  
19 amendatory Act of the 100th General Assembly, shall not impair  
20 any contract or vested right acquired by a survivor prior to  
21 the effective date of this amendatory Act of the 100th General  
22 Assembly.

23 All teachers entering service after January 1, 1988 shall  
24 be deemed to have consented to the provisions of this Section  
25 as a condition of membership, and all participants entering

1 service subsequent to the effective date of this amendatory Act  
2 of the 100th General Assembly shall be deemed to have consented  
3 to the provisions of this amendatory Act as a condition of  
4 participation.

5 (Source: P.A. 85-964.)

6 (40 ILCS 5/18-163) (from Ch. 108 1/2, par. 18-163)

7 Sec. 18-163. Felony conviction. None of the benefits herein  
8 provided shall be paid to any person who is convicted of any  
9 felony relating to or arising out of or in connection with his  
10 or her service as a judge.

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 judge from whom  
15 the benefit results.

16 This Section shall not operate to impair any contract or  
17 vested right acquired before July 9, 1955 under any law or laws  
18 continued in this Article, nor to preclude the right to a  
19 refund, and for the changes under this amendatory Act of the  
20 100th General Assembly, shall not impair any contract or vested  
21 right acquired by a survivor prior to the effective date of  
22 this amendatory Act of the 100th General Assembly.

23 All participants entering service subsequent to July 9,  
24 1955 are deemed to have consented to the provisions of this  
25 Section as a condition of participation, and all participants

1 entering service subsequent to the effective date of this  
2 amendatory Act of the 100th General Assembly shall be deemed to  
3 have consented to the provisions of this amendatory Act as a  
4 condition of participation.

5 (Source: P.A. 83-1440.)

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.