



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5490

by Rep. Joe Sosnowski

SYNOPSIS AS INTRODUCED:

40 ILCS 5/3-109

from Ch. 108 1/2, par. 3-109

Amends the Downstate Police Article of the Illinois Pension Code. Provides that a chief of police who has voluntarily entered into an irrevocable agreement with a municipality to not participate in that municipality's pension fund is not eligible to participate in that municipality's pension fund. Effective immediately.

LRB100 19573 RPS 34842 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 Section 3-109 as follows:

6 (40 ILCS 5/3-109) (from Ch. 108 1/2, par. 3-109)
7 Sec. 3-109. Persons excluded.

8 (a) The following persons shall not be eligible to
9 participate in a fund created under this Article:

10 (1) part-time police officers, special police
11 officers, night watchmen, temporary employees, traffic
12 guards or so-called auxiliary police officers specially
13 appointed to aid or direct traffic at or near schools or
14 public functions, or to aid in civil defense, municipal
15 parking lot attendants, clerks or other civilian employees
16 of a police department who perform clerical duties
17 exclusively;

18 (2) any police officer who fails to pay the
19 contributions required under Section 3-125.1, computed (i)
20 for funds established prior to August 5, 1963, from the
21 date the municipality established the fund or the date of a
22 police officer's first appointment (including an
23 appointment on probation), whichever is later, or (ii) for

1 funds established after August 5, 1963, from the date, as
2 determined from the statistics or census provided in
3 Section 3-103, the municipality became subject to this
4 Article by attaining the minimum population or by
5 referendum, or the date of a police officer's first
6 appointment (including an appointment on probation),
7 whichever is later, and continuing during his or her entire
8 service as a police officer; and

9 (3) any person who has elected under Section 3-109.1 to
10 participate in the Illinois Municipal Retirement Fund
11 rather than in a fund established under this Article,
12 without regard to whether the person continues to be
13 employed as chief of police or is employed in some other
14 rank or capacity within the police department, unless the
15 person has lawfully rescinded that election.

16 (a-5) A chief of police who has voluntarily entered into an
17 irrevocable agreement with a municipality to not participate in
18 that municipality's pension fund under this Article is not
19 eligible to participate in that municipality's pension fund.

20 (b) A police officer who is reappointed shall, before being
21 declared eligible to participate in the pension fund, repay to
22 the fund as required by Section 3-124 any refund received
23 thereunder.

24 (c) Any person otherwise qualified to participate who was
25 excluded from participation by reason of the age restriction
26 removed by Public Act 79-1165 may elect to participate by

1 making a written application to the Board before January 1,
2 1990. Persons so electing shall begin participation on the
3 first day of the month following the date of application. Such
4 persons may also elect to establish creditable service for
5 periods of employment as a police officer during which they did
6 not participate by paying into the police pension fund, before
7 January 1, 1990, the amount that the person would have
8 contributed had deductions from salary been made for such
9 purpose at the time such service was rendered, together with
10 interest thereon at 6% per annum from the time such service was
11 rendered until the date the payment is made.

12 (d) A person otherwise qualified to participate who was
13 excluded from participation by reason of the fitness
14 requirement removed by this amendatory Act of 1995 may elect to
15 participate by making a written application to the Board before
16 July 1, 1996. Persons so electing shall begin participation on
17 the first day of the month following the month in which the
18 application is received by the Board. These persons may also
19 elect to establish creditable service for periods of employment
20 as a police officer during which they did not participate by
21 paying into the police pension fund, before January 1, 1997,
22 the amount that the person would have contributed had
23 deductions from salary been made for this purpose at the time
24 the service was rendered, together with interest thereon at 6%
25 per annum, compounded annually, from the time the service was
26 rendered until the date of payment.

1 (e) A person employed by the Village of Shiloh who is
2 otherwise qualified to participate and was excluded from
3 participation by reason of his or her failure to make written
4 application to the Board within 3 months after receiving his or
5 her first appointment or reappointment as required under
6 Section 3-106 may elect to participate by making a written
7 application to the Board before July 1, 2008. Persons so
8 electing shall begin participation on the first day of the
9 month following the month in which the application is received
10 by the Board. These persons may also elect to establish
11 creditable service for periods of employment as a police
12 officer during which they did not participate by paying into
13 the police pension fund, before January 1, 2009, the amount
14 that the person would have contributed had deductions from
15 salary been made for this purpose at the time the service was
16 rendered, together with interest thereon at 6% per annum,
17 compounded annually, from the time the service was rendered
18 until the date of payment. The Village of Shiloh must pay to
19 the System the corresponding employer contributions, plus
20 interest.

21 (f) A person who has entered into a personal services
22 contract to perform police duties for the Village of
23 Bartonville on or before the effective date of this amendatory
24 Act of the 96th General Assembly may be appointed as an officer
25 in the Village of Bartonville within 6 months after the
26 effective date of this amendatory Act, but shall be excluded

1 from participating under this Article.

2 (g) A person employed by the Village of Glen Carbon who is
3 otherwise qualified to participate and was excluded from
4 participation by reason of his or her failure to make written
5 application to the Board within 3 months after receiving his or
6 her first appointment or reappointment as required under
7 Section 3-106 may elect to participate by making a written
8 application to the Board before January 1, 2011. Persons so
9 electing shall begin participation on the first day of the
10 month following the month in which the application is received
11 by the Board. These persons may also elect to establish
12 creditable service for periods of employment as a police
13 officer during which they did not participate by paying into
14 the police pension fund, before July 1, 2011, (i) employee
15 contributions that the person would have contributed had
16 deductions from salary been made for this purpose at the time
17 the service was rendered, (ii) employer contributions that the
18 employer would have contributed had deductions from salary been
19 made for this purpose at the time the service was rendered,
20 plus (iii) interest on items (i) and (ii) at the actuarially
21 assumed interest rate, compounded annually, from the time the
22 service was rendered until the date of payment.

23 (Source: P.A. 95-483, eff. 8-28-07; 96-775, eff. 8-28-09;
24 96-1252, eff. 7-23-10.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.