

1 AN ACT concerning the Department of Juvenile Justice.

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 14-110 as follows:

6 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)

7 (Text of Section WITHOUT the changes made by P.A. 98-599,  
8 which has been held unconstitutional)

9 Sec. 14-110. Alternative retirement annuity.

10 (a) Any member who has withdrawn from service with not less  
11 than 20 years of eligible creditable service and has attained  
12 age 55, and any member who has withdrawn from service with not  
13 less than 25 years of eligible creditable service and has  
14 attained age 50, regardless of whether the attainment of either  
15 of the specified ages occurs while the member is still in  
16 service, shall be entitled to receive at the option of the  
17 member, in lieu of the regular or minimum retirement annuity, a  
18 retirement annuity computed as follows:

19 (i) for periods of service as a noncovered employee: if  
20 retirement occurs on or after January 1, 2001, 3% of final  
21 average compensation for each year of creditable service;  
22 if retirement occurs before January 1, 2001, 2 1/4% of  
23 final average compensation for each of the first 10 years

1 of creditable service, 2 1/2% for each year above 10 years  
2 to and including 20 years of creditable service, and 2 3/4%  
3 for each year of creditable service above 20 years; and

4 (ii) for periods of eligible creditable service as a  
5 covered employee: if retirement occurs on or after January  
6 1, 2001, 2.5% of final average compensation for each year  
7 of creditable service; if retirement occurs before January  
8 1, 2001, 1.67% of final average compensation for each of  
9 the first 10 years of such service, 1.90% for each of the  
10 next 10 years of such service, 2.10% for each year of such  
11 service in excess of 20 but not exceeding 30, and 2.30% for  
12 each year in excess of 30.

13 Such annuity shall be subject to a maximum of 75% of final  
14 average compensation if retirement occurs before January 1,  
15 2001 or to a maximum of 80% of final average compensation if  
16 retirement occurs on or after January 1, 2001.

17 These rates shall not be applicable to any service  
18 performed by a member as a covered employee which is not  
19 eligible creditable service. Service as a covered employee  
20 which is not eligible creditable service shall be subject to  
21 the rates and provisions of Section 14-108.

22 (b) For the purpose of this Section, "eligible creditable  
23 service" means creditable service resulting from service in one  
24 or more of the following positions:

25 (1) State policeman;

26 (2) fire fighter in the fire protection service of a

1 department;

2 (3) air pilot;

3 (4) special agent;

4 (5) investigator for the Secretary of State;

5 (6) conservation police officer;

6 (7) investigator for the Department of Revenue or the  
7 Illinois Gaming Board;

8 (8) security employee of the Department of Human  
9 Services;

10 (9) Central Management Services security police  
11 officer;

12 (10) security employee of the Department of  
13 Corrections or the Department of Juvenile Justice;

14 (11) dangerous drugs investigator;

15 (12) investigator for the Department of State Police;

16 (13) investigator for the Office of the Attorney  
17 General;

18 (14) controlled substance inspector;

19 (15) investigator for the Office of the State's  
20 Attorneys Appellate Prosecutor;

21 (16) Commerce Commission police officer;

22 (17) arson investigator;

23 (18) State highway maintenance worker.

24 A person employed in one of the positions specified in this  
25 subsection is entitled to eligible creditable service for  
26 service credit earned under this Article while undergoing the

1 basic police training course approved by the Illinois Law  
2 Enforcement Training Standards Board, if completion of that  
3 training is required of persons serving in that position. For  
4 the purposes of this Code, service during the required basic  
5 police training course shall be deemed performance of the  
6 duties of the specified position, even though the person is not  
7 a sworn peace officer at the time of the training.

8 (c) For the purposes of this Section:

9 (1) The term "state policeman" includes any title or  
10 position in the Department of State Police that is held by  
11 an individual employed under the State Police Act.

12 (2) The term "fire fighter in the fire protection  
13 service of a department" includes all officers in such fire  
14 protection service including fire chiefs and assistant  
15 fire chiefs.

16 (3) The term "air pilot" includes any employee whose  
17 official job description on file in the Department of  
18 Central Management Services, or in the department by which  
19 he is employed if that department is not covered by the  
20 Personnel Code, states that his principal duty is the  
21 operation of aircraft, and who possesses a pilot's license;  
22 however, the change in this definition made by this  
23 amendatory Act of 1983 shall not operate to exclude any  
24 noncovered employee who was an "air pilot" for the purposes  
25 of this Section on January 1, 1984.

26 (4) The term "special agent" means any person who by

1 reason of employment by the Division of Narcotic Control,  
2 the Bureau of Investigation or, after July 1, 1977, the  
3 Division of Criminal Investigation, the Division of  
4 Internal Investigation, the Division of Operations, or any  
5 other Division or organizational entity in the Department  
6 of State Police is vested by law with duties to maintain  
7 public order, investigate violations of the criminal law of  
8 this State, enforce the laws of this State, make arrests  
9 and recover property. The term "special agent" includes any  
10 title or position in the Department of State Police that is  
11 held by an individual employed under the State Police Act.

12 (5) The term "investigator for the Secretary of State"  
13 means any person employed by the Office of the Secretary of  
14 State and vested with such investigative duties as render  
15 him ineligible for coverage under the Social Security Act  
16 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and  
17 218(1)(1) of that Act.

18 A person who became employed as an investigator for the  
19 Secretary of State between January 1, 1967 and December 31,  
20 1975, and who has served as such until attainment of age  
21 60, either continuously or with a single break in service  
22 of not more than 3 years duration, which break terminated  
23 before January 1, 1976, shall be entitled to have his  
24 retirement annuity calculated in accordance with  
25 subsection (a), notwithstanding that he has less than 20  
26 years of credit for such service.

1           (6) The term "Conservation Police Officer" means any  
2 person employed by the Division of Law Enforcement of the  
3 Department of Natural Resources and vested with such law  
4 enforcement duties as render him ineligible for coverage  
5 under the Social Security Act by reason of Sections  
6 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The  
7 term "Conservation Police Officer" includes the positions  
8 of Chief Conservation Police Administrator and Assistant  
9 Conservation Police Administrator.

10           (7) The term "investigator for the Department of  
11 Revenue" means any person employed by the Department of  
12 Revenue and vested with such investigative duties as render  
13 him ineligible for coverage under the Social Security Act  
14 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and  
15 218(1)(1) of that Act.

16           The term "investigator for the Illinois Gaming Board"  
17 means any person employed as such by the Illinois Gaming  
18 Board and vested with such peace officer duties as render  
19 the person ineligible for coverage under the Social  
20 Security Act by reason of Sections 218(d)(5)(A),  
21 218(d)(8)(D), and 218(1)(1) of that Act.

22           (8) The term "security employee of the Department of  
23 Human Services" means any person employed by the Department  
24 of Human Services who (i) is employed at the Chester Mental  
25 Health Center and has daily contact with the residents  
26 thereof, (ii) is employed within a security unit at a

1 facility operated by the Department and has daily contact  
2 with the residents of the security unit, (iii) is employed  
3 at a facility operated by the Department that includes a  
4 security unit and is regularly scheduled to work at least  
5 50% of his or her working hours within that security unit,  
6 or (iv) is a mental health police officer. "Mental health  
7 police officer" means any person employed by the Department  
8 of Human Services in a position pertaining to the  
9 Department's mental health and developmental disabilities  
10 functions who is vested with such law enforcement duties as  
11 render the person ineligible for coverage under the Social  
12 Security Act by reason of Sections 218(d)(5)(A),  
13 218(d)(8)(D) and 218(1)(1) of that Act. "Security unit"  
14 means that portion of a facility that is devoted to the  
15 care, containment, and treatment of persons committed to  
16 the Department of Human Services as sexually violent  
17 persons, persons unfit to stand trial, or persons not  
18 guilty by reason of insanity. With respect to past  
19 employment, references to the Department of Human Services  
20 include its predecessor, the Department of Mental Health  
21 and Developmental Disabilities.

22 The changes made to this subdivision (c)(8) by Public  
23 Act 92-14 apply to persons who retire on or after January  
24 1, 2001, notwithstanding Section 1-103.1.

25 (9) "Central Management Services security police  
26 officer" means any person employed by the Department of

1 Central Management Services who is vested with such law  
2 enforcement duties as render him ineligible for coverage  
3 under the Social Security Act by reason of Sections  
4 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

5 (10) For a member who first became an employee under  
6 this Article before July 1, 2005, the term "security  
7 employee of the Department of Corrections or the Department  
8 of Juvenile Justice" means any employee of the Department  
9 of Corrections or the Department of Juvenile Justice or the  
10 former Department of Personnel, and any member or employee  
11 of the Prisoner Review Board, who has daily contact with  
12 inmates or youth by working within a correctional facility  
13 or Juvenile facility operated by the Department of Juvenile  
14 Justice or who is a parole officer or an employee who has  
15 direct contact with committed persons in the performance of  
16 his or her job duties. For a member who first becomes an  
17 employee under this Article on or after July 1, 2005, the  
18 term means an employee of the Department of Corrections or  
19 the Department of Juvenile Justice who is any of the  
20 following: (i) officially headquartered at a correctional  
21 facility or Juvenile facility operated by the Department of  
22 Juvenile Justice, (ii) a parole officer, (iii) a member of  
23 the apprehension unit, (iv) a member of the intelligence  
24 unit, (v) a member of the sort team, or (vi) an  
25 investigator.

26 (11) The term "dangerous drugs investigator" means any



1 person who is employed as such by the Department of Human  
2 Services.

3 (12) The term "investigator for the Department of State  
4 Police" means a person employed by the Department of State  
5 Police who is vested under Section 4 of the Narcotic  
6 Control Division Abolition Act with such law enforcement  
7 powers as render him ineligible for coverage under the  
8 Social Security Act by reason of Sections 218(d)(5)(A),  
9 218(d)(8)(D) and 218(1)(1) of that Act.

10 (13) "Investigator for the Office of the Attorney  
11 General" means any person who is employed as such by the  
12 Office of the Attorney General and is vested with such  
13 investigative duties as render him ineligible for coverage  
14 under the Social Security Act by reason of Sections  
15 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act. For  
16 the period before January 1, 1989, the term includes all  
17 persons who were employed as investigators by the Office of  
18 the Attorney General, without regard to social security  
19 status.

20 (14) "Controlled substance inspector" means any person  
21 who is employed as such by the Department of Professional  
22 Regulation and is vested with such law enforcement duties  
23 as render him ineligible for coverage under the Social  
24 Security Act by reason of Sections 218(d)(5)(A),  
25 218(d)(8)(D) and 218(1)(1) of that Act. The term  
26 "controlled substance inspector" includes the Program

1 Executive of Enforcement and the Assistant Program  
2 Executive of Enforcement.

3 (15) The term "investigator for the Office of the  
4 State's Attorneys Appellate Prosecutor" means a person  
5 employed in that capacity on a full time basis under the  
6 authority of Section 7.06 of the State's Attorneys  
7 Appellate Prosecutor's Act.

8 (16) "Commerce Commission police officer" means any  
9 person employed by the Illinois Commerce Commission who is  
10 vested with such law enforcement duties as render him  
11 ineligible for coverage under the Social Security Act by  
12 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and  
13 218(1)(1) of that Act.

14 (17) "Arson investigator" means any person who is  
15 employed as such by the Office of the State Fire Marshal  
16 and is vested with such law enforcement duties as render  
17 the person ineligible for coverage under the Social  
18 Security Act by reason of Sections 218(d)(5)(A),  
19 218(d)(8)(D), and 218(1)(1) of that Act. A person who was  
20 employed as an arson investigator on January 1, 1995 and is  
21 no longer in service but not yet receiving a retirement  
22 annuity may convert his or her creditable service for  
23 employment as an arson investigator into eligible  
24 creditable service by paying to the System the difference  
25 between the employee contributions actually paid for that  
26 service and the amounts that would have been contributed if

1 the applicant were contributing at the rate applicable to  
2 persons with the same social security status earning  
3 eligible creditable service on the date of application.

4 (18) The term "State highway maintenance worker" means  
5 a person who is either of the following:

6 (i) A person employed on a full-time basis by the  
7 Illinois Department of Transportation in the position  
8 of highway maintainer, highway maintenance lead  
9 worker, highway maintenance lead/lead worker, heavy  
10 construction equipment operator, power shovel  
11 operator, or bridge mechanic; and whose principal  
12 responsibility is to perform, on the roadway, the  
13 actual maintenance necessary to keep the highways that  
14 form a part of the State highway system in serviceable  
15 condition for vehicular traffic.

16 (ii) A person employed on a full-time basis by the  
17 Illinois State Toll Highway Authority in the position  
18 of equipment operator/laborer H-4, equipment  
19 operator/laborer H-6, welder H-4, welder H-6,  
20 mechanical/electrical H-4, mechanical/electrical H-6,  
21 water/sewer H-4, water/sewer H-6, sign maker/hanger  
22 H-4, sign maker/hanger H-6, roadway lighting H-4,  
23 roadway lighting H-6, structural H-4, structural H-6,  
24 painter H-4, or painter H-6; and whose principal  
25 responsibility is to perform, on the roadway, the  
26 actual maintenance necessary to keep the Authority's

1 tollways in serviceable condition for vehicular  
2 traffic.

3 (d) A security employee of the Department of Corrections or  
4 the Department of Juvenile Justice, and a security employee of  
5 the Department of Human Services who is not a mental health  
6 police officer, shall not be eligible for the alternative  
7 retirement annuity provided by this Section unless he or she  
8 meets the following minimum age and service requirements at the  
9 time of retirement:

10 (i) 25 years of eligible creditable service and age 55;

11 or

12 (ii) beginning January 1, 1987, 25 years of eligible  
13 creditable service and age 54, or 24 years of eligible  
14 creditable service and age 55; or

15 (iii) beginning January 1, 1988, 25 years of eligible  
16 creditable service and age 53, or 23 years of eligible  
17 creditable service and age 55; or

18 (iv) beginning January 1, 1989, 25 years of eligible  
19 creditable service and age 52, or 22 years of eligible  
20 creditable service and age 55; or

21 (v) beginning January 1, 1990, 25 years of eligible  
22 creditable service and age 51, or 21 years of eligible  
23 creditable service and age 55; or

24 (vi) beginning January 1, 1991, 25 years of eligible  
25 creditable service and age 50, or 20 years of eligible  
26 creditable service and age 55.

1           Persons who have service credit under Article 16 of this  
2 Code for service as a security employee of the Department of  
3 Corrections or the Department of Juvenile Justice, or the  
4 Department of Human Services in a position requiring  
5 certification as a teacher may count such service toward  
6 establishing their eligibility under the service requirements  
7 of this Section; but such service may be used only for  
8 establishing such eligibility, and not for the purpose of  
9 increasing or calculating any benefit.

10           (e) If a member enters military service while working in a  
11 position in which eligible creditable service may be earned,  
12 and returns to State service in the same or another such  
13 position, and fulfills in all other respects the conditions  
14 prescribed in this Article for credit for military service,  
15 such military service shall be credited as eligible creditable  
16 service for the purposes of the retirement annuity prescribed  
17 in this Section.

18           (f) For purposes of calculating retirement annuities under  
19 this Section, periods of service rendered after December 31,  
20 1968 and before October 1, 1975 as a covered employee in the  
21 position of special agent, conservation police officer, mental  
22 health police officer, or investigator for the Secretary of  
23 State, shall be deemed to have been service as a noncovered  
24 employee, provided that the employee pays to the System prior  
25 to retirement an amount equal to (1) the difference between the  
26 employee contributions that would have been required for such

1 service as a noncovered employee, and the amount of employee  
2 contributions actually paid, plus (2) if payment is made after  
3 July 31, 1987, regular interest on the amount specified in item  
4 (1) from the date of service to the date of payment.

5 For purposes of calculating retirement annuities under  
6 this Section, periods of service rendered after December 31,  
7 1968 and before January 1, 1982 as a covered employee in the  
8 position of investigator for the Department of Revenue shall be  
9 deemed to have been service as a noncovered employee, provided  
10 that the employee pays to the System prior to retirement an  
11 amount equal to (1) the difference between the employee  
12 contributions that would have been required for such service as  
13 a noncovered employee, and the amount of employee contributions  
14 actually paid, plus (2) if payment is made after January 1,  
15 1990, regular interest on the amount specified in item (1) from  
16 the date of service to the date of payment.

17 (g) A State policeman may elect, not later than January 1,  
18 1990, to establish eligible creditable service for up to 10  
19 years of his service as a policeman under Article 3, by filing  
20 a written election with the Board, accompanied by payment of an  
21 amount to be determined by the Board, equal to (i) the  
22 difference between the amount of employee and employer  
23 contributions transferred to the System under Section 3-110.5,  
24 and the amounts that would have been contributed had such  
25 contributions been made at the rates applicable to State  
26 policemen, plus (ii) interest thereon at the effective rate for

1 each year, compounded annually, from the date of service to the  
2 date of payment.

3 Subject to the limitation in subsection (i), a State  
4 policeman may elect, not later than July 1, 1993, to establish  
5 eligible creditable service for up to 10 years of his service  
6 as a member of the County Police Department under Article 9, by  
7 filing a written election with the Board, accompanied by  
8 payment of an amount to be determined by the Board, equal to  
9 (i) the difference between the amount of employee and employer  
10 contributions transferred to the System under Section 9-121.10  
11 and the amounts that would have been contributed had those  
12 contributions been made at the rates applicable to State  
13 policemen, plus (ii) interest thereon at the effective rate for  
14 each year, compounded annually, from the date of service to the  
15 date of payment.

16 (h) Subject to the limitation in subsection (i), a State  
17 policeman or investigator for the Secretary of State may elect  
18 to establish eligible creditable service for up to 12 years of  
19 his service as a policeman under Article 5, by filing a written  
20 election with the Board on or before January 31, 1992, and  
21 paying to the System by January 31, 1994 an amount to be  
22 determined by the Board, equal to (i) the difference between  
23 the amount of employee and employer contributions transferred  
24 to the System under Section 5-236, and the amounts that would  
25 have been contributed had such contributions been made at the  
26 rates applicable to State policemen, plus (ii) interest thereon

1 at the effective rate for each year, compounded annually, from  
2 the date of service to the date of payment.

3 Subject to the limitation in subsection (i), a State  
4 policeman, conservation police officer, or investigator for  
5 the Secretary of State may elect to establish eligible  
6 creditable service for up to 10 years of service as a sheriff's  
7 law enforcement employee under Article 7, by filing a written  
8 election with the Board on or before January 31, 1993, and  
9 paying to the System by January 31, 1994 an amount to be  
10 determined by the Board, equal to (i) the difference between  
11 the amount of employee and employer contributions transferred  
12 to the System under Section 7-139.7, and the amounts that would  
13 have been contributed had such contributions been made at the  
14 rates applicable to State policemen, plus (ii) interest thereon  
15 at the effective rate for each year, compounded annually, from  
16 the date of service to the date of payment.

17 Subject to the limitation in subsection (i), a State  
18 policeman, conservation police officer, or investigator for  
19 the Secretary of State may elect to establish eligible  
20 creditable service for up to 5 years of service as a police  
21 officer under Article 3, a policeman under Article 5, a  
22 sheriff's law enforcement employee under Article 7, a member of  
23 the county police department under Article 9, or a police  
24 officer under Article 15 by filing a written election with the  
25 Board and paying to the System an amount to be determined by  
26 the Board, equal to (i) the difference between the amount of



1 employee and employer contributions transferred to the System  
2 under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4  
3 and the amounts that would have been contributed had such  
4 contributions been made at the rates applicable to State  
5 policemen, plus (ii) interest thereon at the effective rate for  
6 each year, compounded annually, from the date of service to the  
7 date of payment.

8 Subject to the limitation in subsection (i), an  
9 investigator for the Office of the Attorney General, or an  
10 investigator for the Department of Revenue, may elect to  
11 establish eligible creditable service for up to 5 years of  
12 service as a police officer under Article 3, a policeman under  
13 Article 5, a sheriff's law enforcement employee under Article  
14 7, or a member of the county police department under Article 9  
15 by filing a written election with the Board within 6 months  
16 after August 25, 2009 (the effective date of Public Act 96-745)  
17 and paying to the System an amount to be determined by the  
18 Board, equal to (i) the difference between the amount of  
19 employee and employer contributions transferred to the System  
20 under Section 3-110.6, 5-236, 7-139.8, or 9-121.10 and the  
21 amounts that would have been contributed had such contributions  
22 been made at the rates applicable to State policemen, plus (ii)  
23 interest thereon at the actuarially assumed rate for each year,  
24 compounded annually, from the date of service to the date of  
25 payment.

26 Subject to the limitation in subsection (i), a State

1 policeman, conservation police officer, investigator for the  
2 Office of the Attorney General, an investigator for the  
3 Department of Revenue, or investigator for the Secretary of  
4 State may elect to establish eligible creditable service for up  
5 to 5 years of service as a person employed by a participating  
6 municipality to perform police duties, or law enforcement  
7 officer employed on a full-time basis by a forest preserve  
8 district under Article 7, a county corrections officer, or a  
9 court services officer under Article 9, by filing a written  
10 election with the Board within 6 months after August 25, 2009  
11 (the effective date of Public Act 96-745) and paying to the  
12 System an amount to be determined by the Board, equal to (i)  
13 the difference between the amount of employee and employer  
14 contributions transferred to the System under Sections 7-139.8  
15 and 9-121.10 and the amounts that would have been contributed  
16 had such contributions been made at the rates applicable to  
17 State policemen, plus (ii) interest thereon at the actuarially  
18 assumed rate for each year, compounded annually, from the date  
19 of service to the date of payment.

20 (i) The total amount of eligible creditable service  
21 established by any person under subsections (g), (h), (j), (k),  
22 and (l) of this Section shall not exceed 12 years.

23 (j) Subject to the limitation in subsection (i), an  
24 investigator for the Office of the State's Attorneys Appellate  
25 Prosecutor or a controlled substance inspector may elect to  
26 establish eligible creditable service for up to 10 years of his

1 service as a policeman under Article 3 or a sheriff's law  
2 enforcement employee under Article 7, by filing a written  
3 election with the Board, accompanied by payment of an amount to  
4 be determined by the Board, equal to (1) the difference between  
5 the amount of employee and employer contributions transferred  
6 to the System under Section 3-110.6 or 7-139.8, and the amounts  
7 that would have been contributed had such contributions been  
8 made at the rates applicable to State policemen, plus (2)  
9 interest thereon at the effective rate for each year,  
10 compounded annually, from the date of service to the date of  
11 payment.

12 (k) Subject to the limitation in subsection (i) of this  
13 Section, an alternative formula employee may elect to establish  
14 eligible creditable service for periods spent as a full-time  
15 law enforcement officer or full-time corrections officer  
16 employed by the federal government or by a state or local  
17 government located outside of Illinois, for which credit is not  
18 held in any other public employee pension fund or retirement  
19 system. To obtain this credit, the applicant must file a  
20 written application with the Board by March 31, 1998,  
21 accompanied by evidence of eligibility acceptable to the Board  
22 and payment of an amount to be determined by the Board, equal  
23 to (1) employee contributions for the credit being established,  
24 based upon the applicant's salary on the first day as an  
25 alternative formula employee after the employment for which  
26 credit is being established and the rates then applicable to

1 alternative formula employees, plus (2) an amount determined by  
2 the Board to be the employer's normal cost of the benefits  
3 accrued for the credit being established, plus (3) regular  
4 interest on the amounts in items (1) and (2) from the first day  
5 as an alternative formula employee after the employment for  
6 which credit is being established to the date of payment.

7 (l) Subject to the limitation in subsection (i), a security  
8 employee of the Department of Corrections may elect, not later  
9 than July 1, 1998, to establish eligible creditable service for  
10 up to 10 years of his or her service as a policeman under  
11 Article 3, by filing a written election with the Board,  
12 accompanied by payment of an amount to be determined by the  
13 Board, equal to (i) the difference between the amount of  
14 employee and employer contributions transferred to the System  
15 under Section 3-110.5, and the amounts that would have been  
16 contributed had such contributions been made at the rates  
17 applicable to security employees of the Department of  
18 Corrections, plus (ii) interest thereon at the effective rate  
19 for each year, compounded annually, from the date of service to  
20 the date of payment.

21 (m) The amendatory changes to this Section made by this  
22 amendatory Act of the 94th General Assembly apply only to: (1)  
23 security employees of the Department of Juvenile Justice  
24 employed by the Department of Corrections before the effective  
25 date of this amendatory Act of the 94th General Assembly and  
26 transferred to the Department of Juvenile Justice by this

1 amendatory Act of the 94th General Assembly; and (2) persons  
2 employed by the Department of Juvenile Justice on or after the  
3 effective date of this amendatory Act of the 94th General  
4 Assembly who are required by subsection (b) of Section 3-2.5-15  
5 of the Unified Code of Corrections to have any ~~a~~ bachelor's or  
6 advanced degree from an accredited college or university ~~with a~~  
7 ~~specialization in criminal justice, education, psychology,~~  
8 ~~social work, or a closely related social science~~ or, in the  
9 case of persons who provide vocational training, who are  
10 required to have adequate knowledge in the skill for which they  
11 are providing the vocational training.

12 (n) A person employed in a position under subsection (b) of  
13 this Section who has purchased service credit under subsection  
14 (j) of Section 14-104 or subsection (b) of Section 14-105 in  
15 any other capacity under this Article may convert up to 5 years  
16 of that service credit into service credit covered under this  
17 Section by paying to the Fund an amount equal to (1) the  
18 additional employee contribution required under Section  
19 14-133, plus (2) the additional employer contribution required  
20 under Section 14-131, plus (3) interest on items (1) and (2) at  
21 the actuarially assumed rate from the date of the service to  
22 the date of payment.

23 (Source: P.A. 95-530, eff. 8-28-07; 95-1036, eff. 2-17-09;  
24 96-37, eff. 7-13-09; 96-745, eff. 8-25-09; 96-1000, eff.  
25 7-2-10.)

1           Section 10. The Unified Code of Corrections is amended by  
2 changing Sections 3-2.5-15 and 3-10-2 as follows:

3           (730 ILCS 5/3-2.5-15)

4           Sec. 3-2.5-15. Department of Juvenile Justice; assumption  
5 of duties of the Juvenile Division.

6           (a) The Department of Juvenile Justice shall assume the  
7 rights, powers, duties, and responsibilities of the Juvenile  
8 Division of the Department of Corrections. Personnel, books,  
9 records, property, and unencumbered appropriations pertaining  
10 to the Juvenile Division of the Department of Corrections shall  
11 be transferred to the Department of Juvenile Justice on the  
12 effective date of this amendatory Act of the 94th General  
13 Assembly. Any rights of employees or the State under the  
14 Personnel Code or any other contract or plan shall be  
15 unaffected by this transfer.

16           (b) Department of Juvenile Justice personnel who are hired  
17 by the Department on or after the effective date of this  
18 amendatory Act of the 94th General Assembly and who participate  
19 or assist in the rehabilitative and vocational training of  
20 delinquent youths, supervise the daily activities involving  
21 direct and continuing responsibility for the youth's security,  
22 welfare and development, or participate in the personal  
23 rehabilitation of delinquent youth by training, supervising,  
24 and assisting lower level personnel who perform these duties  
25 must be over the age of 21 and have any a bachelor's or

1 advanced degree from an accredited college or university ~~with a~~  
2 ~~specialization in criminal justice, education, psychology,~~  
3 ~~social work, or a closely related social science or other~~  
4 ~~bachelor's or advanced degree with at least 2 years experience~~  
5 ~~in the field of juvenile matters.~~ This requirement shall not  
6 apply to security, clerical, food service, and maintenance  
7 staff that do not have direct and regular contact with youth.  
8 The degree requirements specified in this subsection (b) are  
9 not required of persons who provide vocational training and who  
10 have adequate knowledge in the skill for which they are  
11 providing the vocational training.

12 (c) Subsection (b) of this Section does not apply to  
13 personnel transferred to the Department of Juvenile Justice on  
14 the effective date of this amendatory Act of the 94th General  
15 Assembly.

16 (d) The Department shall be under the direction of the  
17 Director of Juvenile Justice as provided in this Code.

18 (e) The Director shall organize divisions within the  
19 Department and shall assign functions, powers, duties, and  
20 personnel as required by law. The Director may create other  
21 divisions and may assign other functions, powers, duties, and  
22 personnel as may be necessary or desirable to carry out the  
23 functions and responsibilities vested by law in the Department.  
24 The Director may, with the approval of the Office of the  
25 Governor, assign to and share functions, powers, duties, and  
26 personnel with other State agencies such that administrative

1 services and administrative facilities are provided by a shared  
2 administrative service center. Where possible, shared services  
3 which impact youth should be done with child-serving agencies.  
4 These administrative services may include, but are not limited  
5 to, all of the following functions: budgeting, accounting  
6 related functions, auditing, human resources, legal,  
7 procurement, training, data collection and analysis,  
8 information technology, internal investigations, intelligence,  
9 legislative services, emergency response capability, statewide  
10 transportation services, and general office support.

11 (f) The Department of Juvenile Justice may enter into  
12 intergovernmental cooperation agreements under which minors  
13 adjudicated delinquent and committed to the Department of  
14 Juvenile Justice may participate in county juvenile impact  
15 incarceration programs established under Section 3-6039 of the  
16 Counties Code.

17 (g) The Department of Juvenile Justice must comply with the  
18 ethnic and racial background data collection procedures  
19 provided in Section 4.5 of the Criminal Identification Act.

20 (Source: P.A. 98-528, eff. 1-1-15; 98-689, eff. 1-1-15.)

21 (730 ILCS 5/3-10-2) (from Ch. 38, par. 1003-10-2)

22 Sec. 3-10-2. Examination of Persons Committed to the  
23 Department of Juvenile Justice.

24 (a) A person committed to the Department of Juvenile  
25 Justice shall be examined in regard to his medical,



1 psychological, social, educational and vocational condition  
2 and history, including the use of alcohol and other drugs, the  
3 circumstances of his offense and any other information as the  
4 Department of Juvenile Justice may determine.

5 (a-5) Upon admission of a person committed to the  
6 Department of Juvenile Justice, the Department of Juvenile  
7 Justice must provide the person with appropriate information  
8 concerning HIV and AIDS in writing, verbally, or by video or  
9 other electronic means. The Department of Juvenile Justice  
10 shall develop the informational materials in consultation with  
11 the Department of Public Health. At the same time, the  
12 Department of Juvenile Justice also must offer the person the  
13 option of being tested, at no charge to the person, for  
14 infection with human immunodeficiency virus (HIV). Pre-test  
15 information shall be provided to the committed person and  
16 informed consent obtained as required in subsection (q) of  
17 Section 3 and Section 5 of the AIDS Confidentiality Act. The  
18 Department of Juvenile Justice may conduct opt-out HIV testing  
19 as defined in Section 4 of the AIDS Confidentiality Act. If the  
20 Department conducts opt-out HIV testing, the Department shall  
21 place signs in English, Spanish and other languages as needed  
22 in multiple, highly visible locations in the area where HIV  
23 testing is conducted informing inmates that they will be tested  
24 for HIV unless they refuse, and refusal or acceptance of  
25 testing shall be documented in the inmate's medical record. The  
26 Department shall follow procedures established by the

1 Department of Public Health to conduct HIV testing and testing  
2 to confirm positive HIV test results. All testing must be  
3 conducted by medical personnel, but pre-test and other  
4 information may be provided by committed persons who have  
5 received appropriate training. The Department, in conjunction  
6 with the Department of Public Health, shall develop a plan that  
7 complies with the AIDS Confidentiality Act to deliver  
8 confidentially all positive or negative HIV test results to  
9 inmates or former inmates. Nothing in this Section shall  
10 require the Department to offer HIV testing to an inmate who is  
11 known to be infected with HIV, or who has been tested for HIV  
12 within the previous 180 days and whose documented HIV test  
13 result is available to the Department electronically. The  
14 testing provided under this subsection (a-5) shall consist of a  
15 test approved by the Illinois Department of Public Health to  
16 determine the presence of HIV infection, based upon  
17 recommendations of the United States Centers for Disease  
18 Control and Prevention. If the test result is positive, a  
19 reliable supplemental test based upon recommendations of the  
20 United States Centers for Disease Control and Prevention shall  
21 be administered.

22 Also upon admission of a person committed to the Department  
23 of Juvenile Justice, the Department of Juvenile Justice must  
24 inform the person of the Department's obligation to provide the  
25 person with medical care.

26 (b) Based on its examination, the Department of Juvenile

1 Justice may exercise the following powers in developing a  
2 treatment program of any person committed to the Department of  
3 Juvenile Justice:

4 (1) Require participation by him in vocational,  
5 physical, educational and corrective training and  
6 activities to return him to the community.

7 (2) Place him in any institution or facility of the  
8 Department of Juvenile Justice.

9 (3) Order replacement or referral to the Parole and  
10 Pardon Board as often as it deems desirable. The Department  
11 of Juvenile Justice shall refer the person to the Parole  
12 and Pardon Board as required under Section 3-3-4.

13 (4) Enter into agreements with the Secretary of Human  
14 Services and the Director of Children and Family Services,  
15 with courts having probation officers, and with private  
16 agencies or institutions for separate care or special  
17 treatment of persons subject to the control of the  
18 Department of Juvenile Justice.

19 (c) The Department of Juvenile Justice shall make periodic  
20 reexamination of all persons under the control of the  
21 Department of Juvenile Justice to determine whether existing  
22 orders in individual cases should be modified or continued.  
23 This examination shall be made with respect to every person at  
24 least once annually.

25 (d) A record of the treatment decision including any  
26 modification thereof and the reason therefor, shall be part of

1 the committed person's master record file.

2 (e) The Department of Juvenile Justice shall by regular  
3 ~~certified~~ mail and telephone or electronic message notify the  
4 parent, guardian, or nearest relative of any person committed  
5 to the Department of Juvenile Justice of his or her physical  
6 location and any change of his or her physical location  
7 ~~thereof~~.

8 (Source: P.A. 98-689, eff. 1-1-15; 98-1046, eff. 1-1-15; 99-78,  
9 eff. 7-20-15.)