



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4999

Introduced 2/18/2020, by Rep. Curtis J. Tarver, II

SYNOPSIS AS INTRODUCED:

40 ILCS 5/3-147
40 ILCS 5/5-227

from Ch. 108 1/2, par. 3-147
from Ch. 108 1/2, par. 5-227

Amends the Downstate Police and Chicago Police Articles of the Illinois Pension Code. Provides that for a person who first becomes a police officer on or after the effective date of the amendatory Act, none of the benefits provided in those Articles shall be paid to any person who is convicted of any felony (instead of any felony relating to or arising out of or in connection with his or her service as a police officer). Provides that none of the benefits provided for in those Articles shall be paid to any person who otherwise would receive a survivor benefit who is convicted of any felony (instead of any felony relating to or arising out of or in connection with his or her service as a police officer) if the benefit results from the service of a police officer who first becomes a police officer on or after the effective date of the amendatory Act. Makes conforming and other changes. Effective immediately.

LRB101 15979 RPS 65340 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 3-147 and 5-227 as follows:

6 (40 ILCS 5/3-147) (from Ch. 108 1/2, par. 3-147)

7 Sec. 3-147. Felony conviction. For a person who first
8 became a police officer before the effective date of this
9 amendatory Act of the 101st General Assembly, none ~~None~~ of the
10 benefits provided in this Article shall be paid to any person
11 who is convicted of any felony relating to or arising out of or
12 in connection with his or her service as a police officer. For
13 a person who first becomes a police officer on or after the
14 effective date of this amendatory Act of the 101st General
15 Assembly, none of the benefits provided in this Article shall
16 be paid to any person who is convicted of any felony.

17 None of the benefits provided for in this Article shall be
18 paid to any person who otherwise would receive a survivor
19 benefit who is convicted of any felony relating to or arising
20 out of or in connection with the service of the police officer
21 from whom the benefit results if that police officer first
22 became a police officer before the effective date of this
23 amendatory Act of the 101st General Assembly. None of the

1 benefits provided for in this Article shall be paid to any
2 person who otherwise would receive a survivor benefit who is
3 convicted of any felony if the benefit results from the service
4 of a police officer who first becomes a police officer on or
5 after the effective date of this amendatory Act of the 101st
6 General Assembly.

7 This Section shall not impair any contract or vested right
8 acquired prior to July 11, 1955 under any law continued in this
9 Article, nor preclude the right to a refund, and for the
10 changes under this amendatory Act of the 100th General
11 Assembly, shall not impair any contract or vested right
12 acquired by a survivor prior to the effective date of this
13 amendatory Act of the 100th General Assembly. The changes made
14 by this amendatory Act of the 101st General Assembly shall not
15 impair any contract or vested right acquired by a survivor
16 prior to the effective date of this amendatory Act of the 101st
17 General Assembly.

18 All persons entering service subsequent to July 11, 1955
19 are deemed to have consented to the provisions of this Section
20 as a condition of coverage, and all participants entering
21 service subsequent to the effective date of this amendatory Act
22 of the 100th General Assembly shall be deemed to have consented
23 to the provisions of this amendatory Act as a condition of
24 participation. All persons entering service after the
25 effective date of this amendatory Act of the 101st General
26 Assembly shall be deemed to have consented to the provisions of

1 this amendatory Act of the 101st General Assembly as a
2 condition of participation.

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

4 (40 ILCS 5/5-227) (from Ch. 108 1/2, par. 5-227)

5 Sec. 5-227. Felony conviction. For a person who first
6 became a policeman before the effective date of this amendatory
7 Act of the 101st General Assembly, none ~~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. For a person who
11 first becomes a policeman on or after the effective date of
12 this amendatory Act of the 101st General Assembly, none of the
13 benefits provided in this Article shall be paid to any person
14 who is convicted of any felony.

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 if that policeman first became a
20 policeman before the effective date of this amendatory Act of
21 the 101st General Assembly. None of the benefits provided for
22 in this Article shall be paid to any person who otherwise would
23 receive a survivor benefit who is convicted of any felony if
24 the benefit results from the service of a policeman who first
25 becomes a policeman on or after the effective date of this

1 amendatory Act of the 101st General Assembly.

2 None of the benefits provided for in this Article shall be
3 paid to any person who is convicted of any felony while in
4 receipt of disability benefits.

5 For a person who first became a policeman before the
6 effective date of this amendatory Act of the 101st General
7 Assembly, none ~~None~~ of the benefits provided for in this
8 Article shall be paid to any person who is convicted of any
9 felony relating to or arising out of or in connection with the
10 intentional and wrongful death of a police officer, either
11 active or retired, through whom such person would become
12 eligible to receive, or is receiving, an annuity under this
13 Article.

14 For a person who first became a policeman before the
15 effective date of this amendatory Act of the 101st General
16 Assembly, a ~~A~~ person who intentionally and unjustifiably causes
17 delay in proceedings in which the person is ultimately
18 convicted of a felony relating to or arising out of or in
19 connection with his service as a policeman shall not be
20 entitled to any benefits provided for in this Article on and
21 after the filing date of the related indictment or charges.
22 This paragraph applies to all persons whose felony conviction
23 was entered on or after January 1, 2019.

24 For a person who first becomes a policeman on or after the
25 effective date of this amendatory Act of the 101st General
26 Assembly, a person who intentionally and unjustifiably causes

1 delay in proceedings in which the person is ultimately
2 convicted of a felony shall not be entitled to any benefits
3 provided for in this Article on and after the filing date of
4 the related indictment or charges.

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

11 This Section shall not operate to impair any contract or
12 vested right heretofore acquired under any law or laws
13 continued in this Article, nor to preclude the right to a
14 refund, and for the changes under this amendatory Act of the
15 100th General Assembly, shall not impair any contract or vested
16 right acquired by a survivor prior to the effective date of
17 this amendatory Act of the 100th General Assembly. The changes
18 made by this amendatory Act of the 101st General Assembly shall
19 not impair any contract or vested right acquired by a survivor
20 prior to the effective date of this amendatory Act of the 101st
21 General Assembly.

22 All future entrants entering service subsequent to July 11,
23 1955, shall be deemed to have consented to the provisions of
24 this 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. All persons entering service after
3 the effective date of this amendatory Act of the 101st General
4 Assembly shall be deemed to have consented to the provisions of
5 this amendatory Act of the 101st General Assembly as a
6 condition of participation.

7 (Source: P.A. 100-334, eff. 8-25-17; 101-387, eff. 8-16-19.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.