



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB2467

Introduced 1/19/2020, by Sen. Paul Schimpf

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/1-160

40 ILCS 5/14-110

40 ILCS 5/14-152.1

from Ch. 108 1/2, par. 14-110

Amends the General Provisions and State Employee Articles of the Illinois Pension Code. Provides that the alternative retirement annuity under the State Employee Article applies to a security employee of the Department of Human Services subject to the Tier 2 provisions. Provides that a security employee of the Department of Human Services subject to the Tier 2 provisions may convert up to 8 years of service credit established before the effective date of the amendatory Act as a security employee of the Department of Human Services under the State Employee Article into eligible creditable service by filing a written election with the Board under that Article, accompanied by a specified payment. Excludes a benefit increase resulting from the amendatory Act from the definition of "new benefit increase". Effective immediately.

LRB101 16785 RPS 66178 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 1-160, 14-110, and 14-152.1 as follows:

6 (40 ILCS 5/1-160)

7 Sec. 1-160. Provisions applicable to new hires.

8 (a) The provisions of this Section apply to a person who,  
9 on or after January 1, 2011, first becomes a member or a  
10 participant under any reciprocal retirement system or pension  
11 fund established under this Code, other than a retirement  
12 system or pension fund established under Article 2, 3, 4, 5, 6,  
13 15 or 18 of this Code, notwithstanding any other provision of  
14 this Code to the contrary, but do not apply to any self-managed  
15 plan established under this Code, to any person with respect to  
16 service as a sheriff's law enforcement employee under Article  
17 7, or to any participant of the retirement plan established  
18 under Section 22-101. Notwithstanding anything to the contrary  
19 in this Section, for purposes of this Section, a person who  
20 participated in a retirement system under Article 15 prior to  
21 January 1, 2011 shall be deemed a person who first became a  
22 member or participant prior to January 1, 2011 under any  
23 retirement system or pension fund subject to this Section. The

1 changes made to this Section by Public Act 98-596 are a  
2 clarification of existing law and are intended to be  
3 retroactive to January 1, 2011 (the effective date of Public  
4 Act 96-889), notwithstanding the provisions of Section 1-103.1  
5 of this Code.

6 This Section does not apply to a person who first becomes a  
7 noncovered employee under Article 14 on or after the  
8 implementation date of the plan created under Section 1-161 for  
9 that Article, unless that person elects under subsection (b) of  
10 Section 1-161 to instead receive the benefits provided under  
11 this Section and the applicable provisions of that Article.

12 This Section does not apply to a person who first becomes a  
13 member or participant under Article 16 on or after the  
14 implementation date of the plan created under Section 1-161 for  
15 that Article, unless that person elects under subsection (b) of  
16 Section 1-161 to instead receive the benefits provided under  
17 this Section and the applicable provisions of that Article.

18 This Section does not apply to a person who elects under  
19 subsection (c-5) of Section 1-161 to receive the benefits under  
20 Section 1-161.

21 This Section does not apply to a person who first becomes a  
22 member or participant of an affected pension fund on or after 6  
23 months after the resolution or ordinance date, as defined in  
24 Section 1-162, unless that person elects under subsection (c)  
25 of Section 1-162 to receive the benefits provided under this  
26 Section and the applicable provisions of the Article under

1 which he or she is a member or participant.

2 (b) "Final average salary" means the average monthly (or  
3 annual) salary obtained by dividing the total salary or  
4 earnings calculated under the Article applicable to the member  
5 or participant during the 96 consecutive months (or 8  
6 consecutive years) of service within the last 120 months (or 10  
7 years) of service in which the total salary or earnings  
8 calculated under the applicable Article was the highest by the  
9 number of months (or years) of service in that period. For the  
10 purposes of a person who first becomes a member or participant  
11 of any retirement system or pension fund to which this Section  
12 applies on or after January 1, 2011, in this Code, "final  
13 average salary" shall be substituted for the following:

14 (1) In Article 7 (except for service as sheriff's law  
15 enforcement employees), "final rate of earnings".

16 (2) In Articles 8, 9, 10, 11, and 12, "highest average  
17 annual salary for any 4 consecutive years within the last  
18 10 years of service immediately preceding the date of  
19 withdrawal".

20 (3) In Article 13, "average final salary".

21 (4) In Article 14, "final average compensation".

22 (5) In Article 17, "average salary".

23 (6) In Section 22-207, "wages or salary received by him  
24 at the date of retirement or discharge".

25 (b-5) Beginning on January 1, 2011, for all purposes under  
26 this Code (including without limitation the calculation of

1 benefits and employee contributions), the annual earnings,  
2 salary, or wages (based on the plan year) of a member or  
3 participant to whom this Section applies shall not exceed  
4 \$106,800; however, that amount shall annually thereafter be  
5 increased by the lesser of (i) 3% of that amount, including all  
6 previous adjustments, or (ii) one-half the annual unadjusted  
7 percentage increase (but not less than zero) in the consumer  
8 price index-u for the 12 months ending with the September  
9 preceding each November 1, including all previous adjustments.

10 For the purposes of this Section, "consumer price index-u"  
11 means the index published by the Bureau of Labor Statistics of  
12 the United States Department of Labor that measures the average  
13 change in prices of goods and services purchased by all urban  
14 consumers, United States city average, all items, 1982-84 =  
15 100. The new amount resulting from each annual adjustment shall  
16 be determined by the Public Pension Division of the Department  
17 of Insurance and made available to the boards of the retirement  
18 systems and pension funds by November 1 of each year.

19 (c) A member or participant is entitled to a retirement  
20 annuity upon written application if he or she has attained age  
21 67 (beginning January 1, 2015, age 65 with respect to service  
22 under Article 12 of this Code that is subject to this Section)  
23 and has at least 10 years of service credit and is otherwise  
24 eligible under the requirements of the applicable Article.

25 A member or participant who has attained age 62 (beginning  
26 January 1, 2015, age 60 with respect to service under Article

1 12 of this Code that is subject to this Section) and has at  
2 least 10 years of service credit and is otherwise eligible  
3 under the requirements of the applicable Article may elect to  
4 receive the lower retirement annuity provided in subsection (d)  
5 of this Section.

6 (c-5) A person who first becomes a member or a participant  
7 subject to this Section on or after July 6, 2017 (the effective  
8 date of Public Act 100-23), notwithstanding any other provision  
9 of this Code to the contrary, is entitled to a retirement  
10 annuity under Article 8 or Article 11 upon written application  
11 if he or she has attained age 65 and has at least 10 years of  
12 service credit and is otherwise eligible under the requirements  
13 of Article 8 or Article 11 of this Code, whichever is  
14 applicable.

15 (d) The retirement annuity of a member or participant who  
16 is retiring after attaining age 62 (beginning January 1, 2015,  
17 age 60 with respect to service under Article 12 of this Code  
18 that is subject to this Section) with at least 10 years of  
19 service credit shall be reduced by one-half of 1% for each full  
20 month that the member's age is under age 67 (beginning January  
21 1, 2015, age 65 with respect to service under Article 12 of  
22 this Code that is subject to this Section).

23 (d-5) The retirement annuity payable under Article 8 or  
24 Article 11 to an eligible person subject to subsection (c-5) of  
25 this Section who is retiring at age 60 with at least 10 years  
26 of service credit shall be reduced by one-half of 1% for each

1 full month that the member's age is under age 65.

2 (d-10) Each person who first became a member or participant  
3 under Article 8 or Article 11 of this Code on or after January  
4 1, 2011 and prior to the effective date of this amendatory Act  
5 of the 100th General Assembly shall make an irrevocable  
6 election either:

7 (i) to be eligible for the reduced retirement age  
8 provided in subsections (c-5) and (d-5) of this Section,  
9 the eligibility for which is conditioned upon the member or  
10 participant agreeing to the increases in employee  
11 contributions for age and service annuities provided in  
12 subsection (a-5) of Section 8-174 of this Code (for service  
13 under Article 8) or subsection (a-5) of Section 11-170 of  
14 this Code (for service under Article 11); or

15 (ii) to not agree to item (i) of this subsection  
16 (d-10), in which case the member or participant shall  
17 continue to be subject to the retirement age provisions in  
18 subsections (c) and (d) of this Section and the employee  
19 contributions for age and service annuity as provided in  
20 subsection (a) of Section 8-174 of this Code (for service  
21 under Article 8) or subsection (a) of Section 11-170 of  
22 this Code (for service under Article 11).

23 The election provided for in this subsection shall be made  
24 between October 1, 2017 and November 15, 2017. A person subject  
25 to this subsection who makes the required election shall remain  
26 bound by that election. A person subject to this subsection who

1 fails for any reason to make the required election within the  
2 time specified in this subsection shall be deemed to have made  
3 the election under item (ii).

4 (e) Any retirement annuity or supplemental annuity shall be  
5 subject to annual increases on the January 1 occurring either  
6 on or after the attainment of age 67 (beginning January 1,  
7 2015, age 65 with respect to service under Article 12 of this  
8 Code that is subject to this Section and beginning on the  
9 effective date of this amendatory Act of the 100th General  
10 Assembly, age 65 with respect to service under Article 8 or  
11 Article 11 for eligible persons who: (i) are subject to  
12 subsection (c-5) of this Section; or (ii) made the election  
13 under item (i) of subsection (d-10) of this Section) or the  
14 first anniversary of the annuity start date, whichever is  
15 later. Each annual increase shall be calculated at 3% or  
16 one-half the annual unadjusted percentage increase (but not  
17 less than zero) in the consumer price index-u for the 12 months  
18 ending with the September preceding each November 1, whichever  
19 is less, of the originally granted retirement annuity. If the  
20 annual unadjusted percentage change in the consumer price  
21 index-u for the 12 months ending with the September preceding  
22 each November 1 is zero or there is a decrease, then the  
23 annuity shall not be increased.

24 For the purposes of Section 1-103.1 of this Code, the  
25 changes made to this Section by this amendatory Act of the  
26 100th General Assembly are applicable without regard to whether



1 the employee was in active service on or after the effective  
2 date of this amendatory Act of the 100th General Assembly.

3 (f) The initial survivor's or widow's annuity of an  
4 otherwise eligible survivor or widow of a retired member or  
5 participant who first became a member or participant on or  
6 after January 1, 2011 shall be in the amount of 66 2/3% of the  
7 retired member's or participant's retirement annuity at the  
8 date of death. In the case of the death of a member or  
9 participant who has not retired and who first became a member  
10 or participant on or after January 1, 2011, eligibility for a  
11 survivor's or widow's annuity shall be determined by the  
12 applicable Article of this Code. The initial benefit shall be  
13 66 2/3% of the earned annuity without a reduction due to age. A  
14 child's annuity of an otherwise eligible child shall be in the  
15 amount prescribed under each Article if applicable. Any  
16 survivor's or widow's annuity shall be increased (1) on each  
17 January 1 occurring on or after the commencement of the annuity  
18 if the deceased member died while receiving a retirement  
19 annuity or (2) in other cases, on each January 1 occurring  
20 after the first anniversary of the commencement of the annuity.  
21 Each annual increase shall be calculated at 3% or one-half the  
22 annual unadjusted percentage increase (but not less than zero)  
23 in the consumer price index-u for the 12 months ending with the  
24 September preceding each November 1, whichever is less, of the  
25 originally granted survivor's annuity. If the annual  
26 unadjusted percentage change in the consumer price index-u for

1 the 12 months ending with the September preceding each November  
2 1 is zero or there is a decrease, then the annuity shall not be  
3 increased.

4 (g) The benefits in Section 14-110 apply only if the person  
5 is a State policeman, a fire fighter in the fire protection  
6 service of a department, a conservation police officer, an  
7 investigator for the Secretary of State, an arson investigator,  
8 a Commerce Commission police officer, investigator for the  
9 Department of Revenue or the Illinois Gaming Board, a security  
10 employee of the Department of Corrections or the Department of  
11 Juvenile Justice, a security employee of the Department of  
12 Human Services, or a security employee of the Department of  
13 Innovation and Technology, as those terms are defined in  
14 subsection (b) and subsection (c) of Section 14-110. A person  
15 who meets the requirements of this Section is entitled to an  
16 annuity calculated under the provisions of Section 14-110, in  
17 lieu of the regular or minimum retirement annuity, only if the  
18 person has withdrawn from service with not less than 20 years  
19 of eligible creditable service and has attained age 60,  
20 regardless of whether the attainment of age 60 occurs while the  
21 person is still in service.

22 (h) If a person who first becomes a member or a participant  
23 of a retirement system or pension fund subject to this Section  
24 on or after January 1, 2011 is receiving a retirement annuity  
25 or retirement pension under that system or fund and becomes a  
26 member or participant under any other system or fund created by

1 this Code and is employed on a full-time basis, except for  
2 those members or participants exempted from the provisions of  
3 this Section under subsection (a) of this Section, then the  
4 person's retirement annuity or retirement pension under that  
5 system or fund shall be suspended during that employment. Upon  
6 termination of that employment, the person's retirement  
7 annuity or retirement pension payments shall resume and be  
8 recalculated if recalculation is provided for under the  
9 applicable Article of this Code.

10 If a person who first becomes a member of a retirement  
11 system or pension fund subject to this Section on or after  
12 January 1, 2012 and is receiving a retirement annuity or  
13 retirement pension under that system or fund and accepts on a  
14 contractual basis a position to provide services to a  
15 governmental entity from which he or she has retired, then that  
16 person's annuity or retirement pension earned as an active  
17 employee of the employer shall be suspended during that  
18 contractual service. A person receiving an annuity or  
19 retirement pension under this Code shall notify the pension  
20 fund or retirement system from which he or she is receiving an  
21 annuity or retirement pension, as well as his or her  
22 contractual employer, of his or her retirement status before  
23 accepting contractual employment. A person who fails to submit  
24 such notification shall be guilty of a Class A misdemeanor and  
25 required to pay a fine of \$1,000. Upon termination of that  
26 contractual employment, the person's retirement annuity or

1 retirement pension payments shall resume and, if appropriate,  
2 be recalculated under the applicable provisions of this Code.

3 (i) (Blank).

4 (j) In the case of a conflict between the provisions of  
5 this Section and any other provision of this Code, the  
6 provisions of this Section shall control.

7 (Source: P.A. 100-23, eff. 7-6-17; 100-201, eff. 8-18-17;  
8 100-563, eff. 12-8-17; 100-611, eff. 7-20-18; 100-1166, eff.  
9 1-4-19; 101-610, eff. 1-1-20.)

10 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)

11 Sec. 14-110. Alternative retirement annuity.

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

21 (i) for periods of service as a noncovered employee: if  
22 retirement occurs on or after January 1, 2001, 3% of final  
23 average compensation for each year of creditable service;  
24 if retirement occurs before January 1, 2001, 2 1/4% of  
25 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 (19) security employee of the Department of Innovation
- 25 and Technology; or
- 26 (20) transferred employee.

1           A person employed in one of the positions specified in this  
2 subsection is entitled to eligible creditable service for  
3 service credit earned under this Article while undergoing the  
4 basic police training course approved by the Illinois Law  
5 Enforcement Training Standards Board, if completion of that  
6 training is required of persons serving in that position. For  
7 the purposes of this Code, service during the required basic  
8 police training course shall be deemed performance of the  
9 duties of the specified position, even though the person is not  
10 a sworn peace officer at the time of the training.

11           A person under paragraph (20) is entitled to eligible  
12 creditable service for service credit earned under this Article  
13 on and after his or her transfer by Executive Order No.  
14 2003-10, Executive Order No. 2004-2, or Executive Order No.  
15 2016-1.

16           (c) For the purposes of this Section:

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

20           (2) The term "fire fighter in the fire protection  
21 service of a department" includes all officers in such fire  
22 protection service including fire chiefs and assistant  
23 fire chiefs.

24           (3) The term "air pilot" includes any employee whose  
25 official job description on file in the Department of  
26 Central Management Services, or in the department by which

1 he is employed if that department is not covered by the  
2 Personnel Code, states that his principal duty is the  
3 operation of aircraft, and who possesses a pilot's license;  
4 however, the change in this definition made by this  
5 amendatory Act of 1983 shall not operate to exclude any  
6 noncovered employee who was an "air pilot" for the purposes  
7 of this Section on January 1, 1984.

8 (4) The term "special agent" means any person who by  
9 reason of employment by the Division of Narcotic Control,  
10 the Bureau of Investigation or, after July 1, 1977, the  
11 Division of Criminal Investigation, the Division of  
12 Internal Investigation, the Division of Operations, or any  
13 other Division or organizational entity in the Department  
14 of State Police is vested by law with duties to maintain  
15 public order, investigate violations of the criminal law of  
16 this State, enforce the laws of this State, make arrests  
17 and recover property. The term "special agent" includes any  
18 title or position in the Department of State Police that is  
19 held by an individual employed under the State Police Act.

20 (5) The term "investigator for the Secretary of State"  
21 means any person employed by the Office of the Secretary of  
22 State and vested with such investigative duties as render  
23 him ineligible for coverage under the Social Security Act  
24 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and  
25 218(1)(1) of that Act.

26 A person who became employed as an investigator for the



1 Secretary of State between January 1, 1967 and December 31,  
2 1975, and who has served as such until attainment of age  
3 60, either continuously or with a single break in service  
4 of not more than 3 years duration, which break terminated  
5 before January 1, 1976, shall be entitled to have his  
6 retirement annuity calculated in accordance with  
7 subsection (a), notwithstanding that he has less than 20  
8 years of credit for such service.

9 (6) The term "Conservation Police Officer" means any  
10 person employed by the Division of Law Enforcement of the  
11 Department of Natural Resources and vested with such law  
12 enforcement duties as render him ineligible for coverage  
13 under the Social Security Act by reason of Sections  
14 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The  
15 term "Conservation Police Officer" includes the positions  
16 of Chief Conservation Police Administrator and Assistant  
17 Conservation Police Administrator.

18 (7) The term "investigator for the Department of  
19 Revenue" means any person employed by the Department of  
20 Revenue and vested with such investigative duties as render  
21 him ineligible for coverage under the Social Security Act  
22 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and  
23 218(1)(1) of that Act.

24 The term "investigator for the Illinois Gaming Board"  
25 means any person employed as such by the Illinois Gaming  
26 Board and vested with such peace officer duties as render

1 the person ineligible for coverage under the Social  
2 Security Act by reason of Sections 218(d)(5)(A),  
3 218(d)(8)(D), and 218(1)(1) of that Act.

4 (8) The term "security employee of the Department of  
5 Human Services" means any person employed by the Department  
6 of Human Services who (i) is employed at the Chester Mental  
7 Health Center and has daily contact with the residents  
8 thereof, (ii) is employed within a security unit at a  
9 facility operated by the Department and has daily contact  
10 with the residents of the security unit, (iii) is employed  
11 at a facility operated by the Department that includes a  
12 security unit and is regularly scheduled to work at least  
13 50% of his or her working hours within that security unit,  
14 or (iv) is a mental health police officer. "Mental health  
15 police officer" means any person employed by the Department  
16 of Human Services in a position pertaining to the  
17 Department's mental health and developmental disabilities  
18 functions who is vested with such law enforcement duties as  
19 render 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. "Security unit"  
22 means that portion of a facility that is devoted to the  
23 care, containment, and treatment of persons committed to  
24 the Department of Human Services as sexually violent  
25 persons, persons unfit to stand trial, or persons not  
26 guilty by reason of insanity. With respect to past

1 employment, references to the Department of Human Services  
2 include its predecessor, the Department of Mental Health  
3 and Developmental Disabilities.

4 The changes made to this subdivision (c) (8) by Public  
5 Act 92-14 apply to persons who retire on or after January  
6 1, 2001, notwithstanding Section 1-103.1.

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

13 (10) For a member who first became an employee under  
14 this Article before July 1, 2005, the term "security  
15 employee of the Department of Corrections or the Department  
16 of Juvenile Justice" means any employee of the Department  
17 of Corrections or the Department of Juvenile Justice or the  
18 former Department of Personnel, and any member or employee  
19 of the Prisoner Review Board, who has daily contact with  
20 inmates or youth by working within a correctional facility  
21 or Juvenile facility operated by the Department of Juvenile  
22 Justice or who is a parole officer or an employee who has  
23 direct contact with committed persons in the performance of  
24 his or her job duties. For a member who first becomes an  
25 employee under this Article on or after July 1, 2005, the  
26 term means an employee of the Department of Corrections or

1 the Department of Juvenile Justice who is any of the  
2 following: (i) officially headquartered at a correctional  
3 facility or Juvenile facility operated by the Department of  
4 Juvenile Justice, (ii) a parole officer, (iii) a member of  
5 the apprehension unit, (iv) a member of the intelligence  
6 unit, (v) a member of the sort team, or (vi) an  
7 investigator.

8 (11) The term "dangerous drugs investigator" means any  
9 person who is employed as such by the Department of Human  
10 Services.

11 (12) The term "investigator for the Department of State  
12 Police" means a person employed by the Department of State  
13 Police who is vested under Section 4 of the Narcotic  
14 Control Division Abolition Act with such law enforcement  
15 powers as render him ineligible for coverage under the  
16 Social Security Act by reason of Sections 218(d)(5)(A),  
17 218(d)(8)(D) and 218(1)(1) of that Act.

18 (13) "Investigator for the Office of the Attorney  
19 General" means any person who is employed as such by the  
20 Office of the Attorney General and is vested with such  
21 investigative duties as render him ineligible for coverage  
22 under the Social Security Act by reason of Sections  
23 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act. For  
24 the period before January 1, 1989, the term includes all  
25 persons who were employed as investigators by the Office of  
26 the Attorney General, without regard to social security

1 status.

2 (14) "Controlled substance inspector" means any person  
3 who is employed as such by the Department of Professional  
4 Regulation and is vested with such law enforcement duties  
5 as render him ineligible for coverage under the Social  
6 Security Act by reason of Sections 218(d)(5)(A),  
7 218(d)(8)(D) and 218(1)(1) of that Act. The term  
8 "controlled substance inspector" includes the Program  
9 Executive of Enforcement and the Assistant Program  
10 Executive of Enforcement.

11 (15) The term "investigator for the Office of the  
12 State's Attorneys Appellate Prosecutor" means a person  
13 employed in that capacity on a full time basis under the  
14 authority of Section 7.06 of the State's Attorneys  
15 Appellate Prosecutor's Act.

16 (16) "Commerce Commission police officer" means any  
17 person employed by the Illinois Commerce Commission who is  
18 vested with such law enforcement duties as render him  
19 ineligible for coverage under the Social Security Act by  
20 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and  
21 218(1)(1) of that Act.

22 (17) "Arson investigator" means any person who is  
23 employed as such by the Office of the State Fire Marshal  
24 and is vested with such law enforcement duties as render  
25 the person ineligible for coverage under the Social  
26 Security Act by reason of Sections 218(d)(5)(A),

1 218(d)(8)(D), and 218(1)(1) of that Act. A person who was  
2 employed as an arson investigator on January 1, 1995 and is  
3 no longer in service but not yet receiving a retirement  
4 annuity may convert his or her creditable service for  
5 employment as an arson investigator into eligible  
6 creditable service by paying to the System the difference  
7 between the employee contributions actually paid for that  
8 service and the amounts that would have been contributed if  
9 the applicant were contributing at the rate applicable to  
10 persons with the same social security status earning  
11 eligible creditable service on the date of application.

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

14 (i) A person employed on a full-time basis by the  
15 Illinois Department of Transportation in the position  
16 of highway maintainer, highway maintenance lead  
17 worker, highway maintenance lead/lead worker, heavy  
18 construction equipment operator, power shovel  
19 operator, or bridge mechanic; and whose principal  
20 responsibility is to perform, on the roadway, the  
21 actual maintenance necessary to keep the highways that  
22 form a part of the State highway system in serviceable  
23 condition for vehicular traffic.

24 (ii) A person employed on a full-time basis by the  
25 Illinois State Toll Highway Authority in the position  
26 of equipment operator/laborer H-4, equipment

1 operator/laborer H-6, welder H-4, welder H-6,  
2 mechanical/electrical H-4, mechanical/electrical H-6,  
3 water/sewer H-4, water/sewer H-6, sign maker/hanger  
4 H-4, sign maker/hanger H-6, roadway lighting H-4,  
5 roadway lighting H-6, structural H-4, structural H-6,  
6 painter H-4, or painter H-6; and whose principal  
7 responsibility is to perform, on the roadway, the  
8 actual maintenance necessary to keep the Authority's  
9 tollways in serviceable condition for vehicular  
10 traffic.

11 (19) The term "security employee of the Department of  
12 Innovation and Technology" means a person who was a  
13 security employee of the Department of Corrections or the  
14 Department of Juvenile Justice, was transferred to the  
15 Department of Innovation and Technology pursuant to  
16 Executive Order 2016-01, and continues to perform similar  
17 job functions under that Department.

18 (20) "Transferred employee" means an employee who was  
19 transferred to the Department of Central Management  
20 Services by Executive Order No. 2003-10 or Executive Order  
21 No. 2004-2 or transferred to the Department of Innovation  
22 and Technology by Executive Order No. 2016-1, or both, and  
23 was entitled to eligible creditable service for services  
24 immediately preceding the transfer.

25 (d) A security employee of the Department of Corrections or  
26 the Department of Juvenile Justice, a security employee of the

1 Department of Human Services who is not a mental health police  
2 officer, and a security employee of the Department of  
3 Innovation and Technology shall not be eligible for the  
4 alternative retirement annuity provided by this Section unless  
5 he or she meets the following minimum age and service  
6 requirements at the time of retirement:

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

8 or

9 (ii) beginning January 1, 1987, 25 years of eligible  
10 creditable service and age 54, or 24 years of eligible  
11 creditable service and age 55; or

12 (iii) beginning January 1, 1988, 25 years of eligible  
13 creditable service and age 53, or 23 years of eligible  
14 creditable service and age 55; or

15 (iv) beginning January 1, 1989, 25 years of eligible  
16 creditable service and age 52, or 22 years of eligible  
17 creditable service and age 55; or

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

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

24 Persons who have service credit under Article 16 of this  
25 Code for service as a security employee of the Department of  
26 Corrections or the Department of Juvenile Justice, or the



1 Department of Human Services in a position requiring  
2 certification as a teacher may count such service toward  
3 establishing their eligibility under the service requirements  
4 of this Section; but such service may be used only for  
5 establishing such eligibility, and not for the purpose of  
6 increasing or calculating any benefit.

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

15 (f) For purposes of calculating retirement annuities under  
16 this Section, periods of service rendered after December 31,  
17 1968 and before October 1, 1975 as a covered employee in the  
18 position of special agent, conservation police officer, mental  
19 health police officer, or investigator for the Secretary of  
20 State, shall be deemed to have been service as a noncovered  
21 employee, provided that the employee pays to the System prior  
22 to retirement an amount equal to (1) the difference between the  
23 employee contributions that would have been required for such  
24 service as a noncovered employee, and the amount of employee  
25 contributions actually paid, plus (2) if payment is made after  
26 July 31, 1987, regular interest on the amount specified in item

1 (1) from the date of service to the date of payment.

2 For purposes of calculating retirement annuities under  
3 this Section, periods of service rendered after December 31,  
4 1968 and before January 1, 1982 as a covered employee in the  
5 position of investigator for the Department of Revenue shall be  
6 deemed to have been service as a noncovered employee, provided  
7 that the employee pays to the System prior to retirement an  
8 amount equal to (1) the difference between the employee  
9 contributions that would have been required for such service as  
10 a noncovered employee, and the amount of employee contributions  
11 actually paid, plus (2) if payment is made after January 1,  
12 1990, regular interest on the amount specified in item (1) from  
13 the date of service to the date of payment.

14 (g) A State policeman may elect, not later than January 1,  
15 1990, to establish eligible creditable service for up to 10  
16 years of his service as a policeman under Article 3, by filing  
17 a written election with the Board, accompanied by payment of an  
18 amount to be determined by the Board, equal to (i) the  
19 difference between the amount of employee and employer  
20 contributions transferred to the System under Section 3-110.5,  
21 and the amounts that would have been contributed had such  
22 contributions been made at the rates applicable to State  
23 policemen, plus (ii) interest thereon at the effective rate for  
24 each year, compounded annually, from the date of service to the  
25 date of payment.

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

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

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

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

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

14 Subject to the limitation in subsection (i), a State  
15 policeman, conservation police officer, or investigator for  
16 the Secretary of State may elect to establish eligible  
17 creditable service for up to 5 years of service as a police  
18 officer under Article 3, a policeman under Article 5, a  
19 sheriff's law enforcement employee under Article 7, a member of  
20 the county police department under Article 9, or a police  
21 officer under Article 15 by filing a written election with the  
22 Board and paying to the System an amount to be determined by  
23 the Board, equal to (i) the difference between the amount of  
24 employee and employer contributions transferred to the System  
25 under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4  
26 and the amounts that would have been contributed had such

1 contributions been made at the rates applicable to State  
2 policemen, plus (ii) interest thereon at the effective rate for  
3 each year, compounded annually, from the date of service to the  
4 date of payment.

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

23 Subject to the limitation in subsection (i), a State  
24 policeman, conservation police officer, investigator for the  
25 Office of the Attorney General, an investigator for the  
26 Department of Revenue, or investigator for the Secretary of

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

17 (i) The total amount of eligible creditable service  
18 established by any person under subsections (g), (h), (j), (k),  
19 (l), (l-5), ~~and~~ (o), and (p) of this Section shall not exceed  
20 12 years.

21 (j) Subject to the limitation in subsection (i), an  
22 investigator for the Office of the State's Attorneys Appellate  
23 Prosecutor or a controlled substance inspector may elect to  
24 establish eligible creditable service for up to 10 years of his  
25 service as a policeman under Article 3 or a sheriff's law  
26 enforcement employee under Article 7, by filing a written

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

10 (k) Subject to the limitation in subsection (i) of this  
11 Section, an alternative formula employee may elect to establish  
12 eligible creditable service for periods spent as a full-time  
13 law enforcement officer or full-time corrections officer  
14 employed by the federal government or by a state or local  
15 government located outside of Illinois, for which credit is not  
16 held in any other public employee pension fund or retirement  
17 system. To obtain this credit, the applicant must file a  
18 written application with the Board by March 31, 1998,  
19 accompanied by evidence of eligibility acceptable to the Board  
20 and payment of an amount to be determined by the Board, equal  
21 to (1) employee contributions for the credit being established,  
22 based upon the applicant's salary on the first day as an  
23 alternative formula employee after the employment for which  
24 credit is being established and the rates then applicable to  
25 alternative formula employees, plus (2) an amount determined by  
26 the Board to be the employer's normal cost of the benefits

1 accrued for the credit being established, plus (3) regular  
2 interest on the amounts in items (1) and (2) from the first day  
3 as an alternative formula employee after the employment for  
4 which credit is being established to the date of payment.

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

19 (1-5) Subject to the limitation in subsection (i) of this  
20 Section, a State policeman may elect to establish eligible  
21 creditable service for up to 5 years of service as a full-time  
22 law enforcement officer employed by the federal government or  
23 by a state or local government located outside of Illinois for  
24 which credit is not held in any other public employee pension  
25 fund or retirement system. To obtain this credit, the applicant  
26 must file a written application with the Board no later than 3



1 years after the effective date of this amendatory Act of the  
2 101st General Assembly, accompanied by evidence of eligibility  
3 acceptable to the Board and payment of an amount to be  
4 determined by the Board, equal to (1) employee contributions  
5 for the credit being established, based upon the applicant's  
6 salary on the first day as an alternative formula employee  
7 after the employment for which credit is being established and  
8 the rates then applicable to alternative formula employees,  
9 plus (2) an amount determined by the Board to be the employer's  
10 normal cost of the benefits accrued for the credit being  
11 established, plus (3) regular interest on the amounts in items  
12 (1) and (2) from the first day as an alternative formula  
13 employee after the employment for which credit is being  
14 established to the date of payment.

15 (m) The amendatory changes to this Section made by this  
16 amendatory Act of the 94th General Assembly apply only to: (1)  
17 security employees of the Department of Juvenile Justice  
18 employed by the Department of Corrections before the effective  
19 date of this amendatory Act of the 94th General Assembly and  
20 transferred to the Department of Juvenile Justice by this  
21 amendatory Act of the 94th General Assembly; and (2) persons  
22 employed by the Department of Juvenile Justice on or after the  
23 effective date of this amendatory Act of the 94th General  
24 Assembly who are required by subsection (b) of Section 3-2.5-15  
25 of the Unified Code of Corrections to have any bachelor's or  
26 advanced degree from an accredited college or university or, in

1 the case of persons who provide vocational training, who are  
2 required to have adequate knowledge in the skill for which they  
3 are providing the vocational training.

4 (n) A person employed in a position under subsection (b) of  
5 this Section who has purchased service credit under subsection  
6 (j) of Section 14-104 or subsection (b) of Section 14-105 in  
7 any other capacity under this Article may convert up to 5 years  
8 of that service credit into service credit covered under this  
9 Section by paying to the Fund an amount equal to (1) the  
10 additional employee contribution required under Section  
11 14-133, plus (2) the additional employer contribution required  
12 under Section 14-131, plus (3) interest on items (1) and (2) at  
13 the actuarially assumed rate from the date of the service to  
14 the date of payment.

15 (o) Subject to the limitation in subsection (i), a  
16 conservation police officer, investigator for the Secretary of  
17 State, Commerce Commission police officer, investigator for  
18 the Department of Revenue or the Illinois Gaming Board, or  
19 arson investigator subject to subsection (g) of Section 1-160  
20 may elect to convert up to 8 years of service credit  
21 established before the effective date of this amendatory Act of  
22 the 101st General Assembly as a conservation police officer,  
23 investigator for the Secretary of State, Commerce Commission  
24 police officer, investigator for the Department of Revenue or  
25 the Illinois Gaming Board, or arson investigator under this  
26 Article into eligible creditable service by filing a written

1 election with the Board no later than one year after the  
2 effective date of this amendatory Act of the 101st General  
3 Assembly, accompanied by payment of an amount to be determined  
4 by the Board equal to (i) the difference between the amount of  
5 the employee contributions actually paid for that service and  
6 the amount of the employee contributions that would have been  
7 paid had the employee contributions been made as a noncovered  
8 employee serving in a position in which eligible creditable  
9 service, as defined in this Section, may be earned, plus (ii)  
10 interest thereon at the effective rate for each year,  
11 compounded annually, from the date of service to the date of  
12 payment.

13 (p) Subject to the limitation in subsection (i), a security  
14 employee of the Department of Human Services who is subject to  
15 subsection (g) of Section 1-160 may elect to convert up to 8  
16 years of service credit established before the effective date  
17 of this amendatory Act of the 101st General Assembly as a  
18 security employee of the Department of Human Services to  
19 eligible creditable service by filing a written election with  
20 the Board no later than one year after the effective date of  
21 this amendatory Act of the 101st General Assembly, accompanied  
22 by payment of an amount, to be determined by the Board, equal  
23 to (i) the difference between the amount of the employee  
24 contributions actually paid for that service and the amount of  
25 the employee contributions that would have been paid had the  
26 employee contributions been made as a covered employee serving

1 in a position in which eligible creditable service, as defined  
2 in this Section, may be earned, plus (ii) interest thereon at  
3 the effective rate for each year, compounded annually, from the  
4 date of service to the date of payment.

5 (Source: P.A. 100-19, eff. 1-1-18; 100-611, eff. 7-20-18;  
6 101-610, eff. 1-1-20.)

7 (40 ILCS 5/14-152.1)

8 Sec. 14-152.1. Application and expiration of new benefit  
9 increases.

10 (a) As used in this Section, "new benefit increase" means  
11 an increase in the amount of any benefit provided under this  
12 Article, or an expansion of the conditions of eligibility for  
13 any benefit under this Article, that results from an amendment  
14 to this Code that takes effect after June 1, 2005 (the  
15 effective date of Public Act 94-4). "New benefit increase",  
16 however, does not include any benefit increase resulting from  
17 the changes made to Article 1 or this Article by Public Act  
18 96-37, Public Act 100-23, Public Act 100-587, Public Act  
19 100-611, Public Act 101-10, Public Act 101-610, or this  
20 amendatory Act of the 101st General Assembly ~~or this amendatory~~  
21 ~~Act of the 101st General Assembly.~~

22 (b) Notwithstanding any other provision of this Code or any  
23 subsequent amendment to this Code, every new benefit increase  
24 is subject to this Section and shall be deemed to be granted  
25 only in conformance with and contingent upon compliance with

1 the provisions of this Section.

2 (c) The Public Act enacting a new benefit increase must  
3 identify and provide for payment to the System of additional  
4 funding at least sufficient to fund the resulting annual  
5 increase in cost to the System as it accrues.

6 Every new benefit increase is contingent upon the General  
7 Assembly providing the additional funding required under this  
8 subsection. The Commission on Government Forecasting and  
9 Accountability shall analyze whether adequate additional  
10 funding has been provided for the new benefit increase and  
11 shall report its analysis to the Public Pension Division of the  
12 Department of Insurance. A new benefit increase created by a  
13 Public Act that does not include the additional funding  
14 required under this subsection is null and void. If the Public  
15 Pension Division determines that the additional funding  
16 provided for a new benefit increase under this subsection is or  
17 has become inadequate, it may so certify to the Governor and  
18 the State Comptroller and, in the absence of corrective action  
19 by the General Assembly, the new benefit increase shall expire  
20 at the end of the fiscal year in which the certification is  
21 made.

22 (d) Every new benefit increase shall expire 5 years after  
23 its effective date or on such earlier date as may be specified  
24 in the language enacting the new benefit increase or provided  
25 under subsection (c). This does not prevent the General  
26 Assembly from extending or re-creating a new benefit increase

1 by law.

2 (e) Except as otherwise provided in the language creating  
3 the new benefit increase, a new benefit increase that expires  
4 under this Section continues to apply to persons who applied  
5 and qualified for the affected benefit while the new benefit  
6 increase was in effect and to the affected beneficiaries and  
7 alternate payees of such persons, but does not apply to any  
8 other person, including, without limitation, a person who  
9 continues in service after the expiration date and did not  
10 apply and qualify for the affected benefit while the new  
11 benefit increase was in effect.

12 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;  
13 100-611, eff. 7-20-18; 101-10, eff. 6-5-19; 101-81, eff.  
14 7-12-19; 101-610, eff. 1-1-20.)

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