



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB2766

Introduced 2/4/2020, by Sen. Robert F. Martwick

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/14-110

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

40 ILCS 5/14-152.1

Amends the State Employee Article of the Illinois Pension Code. Provides that a State policeman may elect to convert service credit earned under the Article to eligible creditable service under the alternative retirement annuity formula by filing a written election with the Board and making a specified contribution. Provides that the conversion of service credit to eligible creditable service is not subject to provisions that limit the amount of eligible creditable service that may be established to 12 years. Provides that a State policeman may elect to establish eligible creditable service under the alternative retirement annuity formula for up to 5 years of service as a person employed by a participating municipality to perform police duties under the Illinois Municipal Retirement Fund (IMRF) Article, a county corrections officer, or a court services officer under the Cook County Article by filing a written application with the Board and making a specified contribution. Provides that any benefit increase that results from the amendatory Act is excluded from the definition of "new benefit increase". Effective immediately.

LRB101 17591 RPS 67010 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 14-110 and 14-152.1 as follows:

6 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)  
7 Sec. 14-110. Alternative retirement annuity.

8 (a) Any member who has withdrawn from service with not less  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10 age 55, and any member who has withdrawn from service with not  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

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

1 for each year of creditable service above 20 years; and

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

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

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

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

23 (1) State policeman;

24 (2) fire fighter in the fire protection service of a  
25 department;

26 (3) air pilot;

- 1 (4) special agent;
- 2 (5) investigator for the Secretary of State;
- 3 (6) conservation police officer;
- 4 (7) investigator for the Department of Revenue or the  
5 Illinois Gaming Board;
- 6 (8) security employee of the Department of Human  
7 Services;
- 8 (9) Central Management Services security police  
9 officer;
- 10 (10) security employee of the Department of  
11 Corrections or the Department of Juvenile Justice;
- 12 (11) dangerous drugs investigator;
- 13 (12) investigator for the Department of State Police;
- 14 (13) investigator for the Office of the Attorney  
15 General;
- 16 (14) controlled substance inspector;
- 17 (15) investigator for the Office of the State's  
18 Attorneys Appellate Prosecutor;
- 19 (16) Commerce Commission police officer;
- 20 (17) arson investigator;
- 21 (18) State highway maintenance worker;
- 22 (19) security employee of the Department of Innovation  
23 and Technology; or
- 24 (20) transferred employee.

25 A person employed in one of the positions specified in this  
26 subsection is entitled to eligible creditable service for

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

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

14 (c) For the purposes of this Section:

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

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

22 (3) The term "air pilot" includes any employee whose  
23 official job description on file in the Department of  
24 Central Management Services, or in the department by which  
25 he is employed if that department is not covered by the  
26 Personnel Code, states that his principal duty is the

1 operation of aircraft, and who possesses a pilot's license;  
2 however, the change in this definition made by this  
3 amendatory Act of 1983 shall not operate to exclude any  
4 noncovered employee who was an "air pilot" for the purposes  
5 of this Section on January 1, 1984.

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

18 (5) The term "investigator for the Secretary of State"  
19 means any person employed by the Office of the Secretary of  
20 State 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 A person who became employed as an investigator for the  
25 Secretary of State between January 1, 1967 and December 31,  
26 1975, and who has served as such until attainment of age

1           60, either continuously or with a single break in service  
2           of not more than 3 years duration, which break terminated  
3           before January 1, 1976, shall be entitled to have his  
4           retirement annuity calculated in accordance with  
5           subsection (a), notwithstanding that he has less than 20  
6           years of credit for such service.

7           (6) The term "Conservation Police Officer" means any  
8           person employed by the Division of Law Enforcement of the  
9           Department of Natural Resources and 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. The  
13          term "Conservation Police Officer" includes the positions  
14          of Chief Conservation Police Administrator and Assistant  
15          Conservation Police Administrator.

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

22          The term "investigator for the Illinois Gaming Board"  
23          means any person employed as such by the Illinois Gaming  
24          Board and vested with such peace officer 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.

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



1 and Developmental Disabilities.

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

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

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

1 facility or Juvenile facility operated by the Department of  
2 Juvenile Justice, (ii) a parole officer, (iii) a member of  
3 the apprehension unit, (iv) a member of the intelligence  
4 unit, (v) a member of the sort team, or (vi) an  
5 investigator.

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

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

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

26 (14) "Controlled substance inspector" means any person

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

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

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

20 (17) "Arson investigator" means any person who is  
21 employed as such by the Office of the State Fire Marshal  
22 and is vested with such law enforcement duties as render  
23 the person 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. A person who was  
26 employed as an arson investigator on January 1, 1995 and is

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

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

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

22 (ii) A person employed on a full-time basis by the  
23 Illinois State Toll Highway Authority in the position  
24 of equipment operator/laborer H-4, equipment  
25 operator/laborer H-6, welder H-4, welder H-6,  
26 mechanical/electrical H-4, mechanical/electrical H-6,

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

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

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

23 (d) A security employee of the Department of Corrections or  
24 the Department of Juvenile Justice, a security employee of the  
25 Department of Human Services who is not a mental health police  
26 officer, and a security employee of the Department of

1 Innovation and Technology shall not be eligible for the  
2 alternative retirement annuity provided by this Section unless  
3 he or she meets the following minimum age and service  
4 requirements at the time of retirement:

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

6 or

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

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

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

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

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

22 Persons who have service credit under Article 16 of this  
23 Code for service as a security employee of the Department of  
24 Corrections or the Department of Juvenile Justice, or the  
25 Department of Human Services in a position requiring  
26 certification as a teacher may count such service toward

1 establishing their eligibility under the service requirements  
2 of this Section; but such service may be used only for  
3 establishing such eligibility, and not for the purpose of  
4 increasing or calculating any benefit.

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

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

26 For purposes of calculating retirement annuities under

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

12 (g) A State policeman may elect, not later than January 1,  
13 1990, to establish eligible creditable service for up to 10  
14 years of his service as a policeman under Article 3, by filing  
15 a written election with the Board, accompanied by payment of an  
16 amount to be determined by the Board, equal to (i) the  
17 difference between the amount of employee and employer  
18 contributions transferred to the System under Section 3-110.5,  
19 and the amounts that would have been contributed had such  
20 contributions been made at the rates applicable to State  
21 policemen, plus (ii) interest thereon at the effective rate for  
22 each year, compounded annually, from the date of service to the  
23 date of payment.

24 Subject to the limitation in subsection (i), a State  
25 policeman may elect, not later than July 1, 1993, to establish  
26 eligible creditable service for up to 10 years of his service



1 as a member of the County Police Department under Article 9, by  
2 filing a written election with the Board, accompanied by  
3 payment of an amount to be determined by the Board, equal to  
4 (i) the difference between the amount of employee and employer  
5 contributions transferred to the System under Section 9-121.10  
6 and the amounts that would have been contributed had those  
7 contributions been made at the rates applicable to State  
8 policemen, plus (ii) interest thereon at the effective rate for  
9 each year, compounded annually, from the date of service to the  
10 date of payment.

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

24 Subject to the limitation in subsection (i), a State  
25 policeman, conservation police officer, or investigator for  
26 the Secretary of State may elect to establish eligible

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

12 Subject to the limitation in subsection (i), a State  
13 policeman, conservation police officer, or investigator for  
14 the Secretary of State may elect to establish eligible  
15 creditable service for up to 5 years of service as a police  
16 officer under Article 3, a policeman under Article 5, a  
17 sheriff's law enforcement employee under Article 7, a member of  
18 the county police department under Article 9, or a police  
19 officer under Article 15 by filing a written election with the  
20 Board and paying to the System an amount to be determined by  
21 the Board, equal to (i) the difference between the amount of  
22 employee and employer contributions transferred to the System  
23 under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4  
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), an  
4 investigator for the Office of the Attorney General, or an  
5 investigator for the Department of Revenue, may elect to  
6 establish eligible creditable service for up to 5 years of  
7 service as a police officer under Article 3, a policeman under  
8 Article 5, a sheriff's law enforcement employee under Article  
9 7, or a member of the county police department under Article 9  
10 by filing a written election with the Board within 6 months  
11 after August 25, 2009 (the effective date of Public Act 96-745)  
12 and paying to the System 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 3-110.6, 5-236, 7-139.8, or 9-121.10 and the  
16 amounts that would have been contributed had such contributions  
17 been made at the rates applicable to State policemen, plus (ii)  
18 interest thereon at the actuarially assumed rate for each year,  
19 compounded annually, from the date of service to the date of  
20 payment.

21 Subject to the limitation in subsection (i), a State  
22 policeman, conservation police officer, investigator for the  
23 Office of the Attorney General, an investigator for the  
24 Department of Revenue, or investigator for the Secretary of  
25 State may elect to establish eligible creditable service for up  
26 to 5 years of service as a person employed by a participating

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

15 Subject to the limitation in subsection (i), a State  
16 policeman may elect to establish eligible creditable service  
17 for up to 5 years of service as a person employed by a  
18 participating municipality to perform police duties under  
19 Article 7, a county corrections officer, or a court services  
20 officer under Article 9 by filing a written election with the  
21 Board within 6 months after the effective date of this  
22 amendatory Act of the 101st General Assembly and paying to the  
23 System an amount to be determined by the Board equal to (i) the  
24 difference between the amount of employee and employer  
25 contributions transferred to the System under Sections 7-139.8  
26 and 9-121.10 and the amounts that would have been contributed

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

5 Notwithstanding the limitation in subsection (i), a State  
6 policeman may elect to convert service credit earned under this  
7 Article to eligible creditable service, as defined by this  
8 Section, by filing a written election with the Board within 6  
9 months after the effective date of this amendatory Act of the  
10 101st General Assembly and paying to the System an amount to be  
11 determined by the Board equal to (i) the difference between the  
12 amount of employee contributions originally paid for that  
13 service and the amounts that would have been contributed had  
14 such contributions been made at the rates applicable to State  
15 policemen, plus (ii) the difference between the employer's  
16 normal cost of the credit prior to the conversion authorized by  
17 this amendatory Act of the 101st General Assembly and the  
18 employer's normal cost of the credit converted in accordance  
19 with this amendatory Act of the 101st General Assembly, plus  
20 (iii) interest thereon at the actuarially assumed rate for each  
21 year, compounded annually, from the date of service to the date  
22 of payment.

23 (i) The total amount of eligible creditable service  
24 established by any person under subsections (g), (h), (j), (k),  
25 (l), (l-5), and (o) of this Section shall not exceed 12 years.

26 (j) Subject to the limitation in subsection (i), an

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

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

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

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

24 (1-5) Subject to the limitation in subsection (i) of this  
25 Section, a State policeman may elect to establish eligible  
26 creditable service for up to 5 years of service as a full-time

1 law enforcement officer employed by the federal government or  
2 by a state or local government located outside of Illinois for  
3 which credit is not held in any other public employee pension  
4 fund or retirement system. To obtain this credit, the applicant  
5 must file a written application with the Board no later than 3  
6 years after the effective date of this amendatory Act of the  
7 101st General Assembly, accompanied by evidence of eligibility  
8 acceptable to the Board and payment of an amount to be  
9 determined by the Board, equal to (1) employee contributions  
10 for the credit being established, based upon the applicant's  
11 salary on the first day as an alternative formula employee  
12 after the employment for which credit is being established and  
13 the rates then applicable to alternative formula employees,  
14 plus (2) an amount determined by the Board to be the employer's  
15 normal cost of the benefits accrued for the credit being  
16 established, plus (3) regular interest on the amounts in items  
17 (1) and (2) from the first day as an alternative formula  
18 employee after the employment for which credit is being  
19 established to the date of payment.

20 (m) The amendatory changes to this Section made by this  
21 amendatory Act of the 94th General Assembly apply only to: (1)  
22 security employees of the Department of Juvenile Justice  
23 employed by the Department of Corrections before the effective  
24 date of this amendatory Act of the 94th General Assembly and  
25 transferred to the Department of Juvenile Justice by this  
26 amendatory Act of the 94th General Assembly; and (2) persons



1 employed by the Department of Juvenile Justice on or after the  
2 effective date of this amendatory Act of the 94th General  
3 Assembly who are required by subsection (b) of Section 3-2.5-15  
4 of the Unified Code of Corrections to have any bachelor's or  
5 advanced degree from an accredited college or university or, in  
6 the case of persons who provide vocational training, who are  
7 required to have adequate knowledge in the skill for which they  
8 are providing the vocational training.

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

20 (o) Subject to the limitation in subsection (i), a  
21 conservation police officer, investigator for the Secretary of  
22 State, Commerce Commission police officer, investigator for  
23 the Department of Revenue or the Illinois Gaming Board, or  
24 arson investigator subject to subsection (g) of Section 1-160  
25 may elect to convert up to 8 years of service credit  
26 established before the effective date of this amendatory Act of

1 the 101st General Assembly as a conservation police officer,  
2 investigator for the Secretary of State, Commerce Commission  
3 police officer, investigator for the Department of Revenue or  
4 the Illinois Gaming Board, or arson investigator under this  
5 Article into eligible creditable service by filing a written  
6 election with the Board no later than one year after the  
7 effective date of this amendatory Act of the 101st General  
8 Assembly, accompanied by payment of an amount to be determined  
9 by the Board equal to (i) the difference between the amount of  
10 the employee contributions actually paid for that service and  
11 the amount of the employee contributions that would have been  
12 paid had the employee contributions been made as a noncovered  
13 employee serving in a position in which eligible creditable  
14 service, as defined in this Section, may be earned, plus (ii)  
15 interest thereon at the effective rate for each year,  
16 compounded annually, from the date of service to the date of  
17 payment.

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

20 (40 ILCS 5/14-152.1)

21 Sec. 14-152.1. Application and expiration of new benefit  
22 increases.

23 (a) As used in this Section, "new benefit increase" means  
24 an increase in the amount of any benefit provided under this  
25 Article, or an expansion of the conditions of eligibility for

1 any benefit under this Article, that results from an amendment  
2 to this Code that takes effect after June 1, 2005 (the  
3 effective date of Public Act 94-4). "New benefit increase",  
4 however, does not include any benefit increase resulting from  
5 the changes made to Article 1 or this Article by Public Act  
6 96-37, Public Act 100-23, Public Act 100-587, Public Act  
7 100-611, Public Act 101-10, Public Act 101-610, or this  
8 amendatory Act of the 101st General Assembly ~~or this amendatory~~  
9 ~~Act of the 101st General Assembly.~~

10 (b) Notwithstanding any other provision of this Code or any  
11 subsequent amendment to this Code, every new benefit increase  
12 is subject to this Section and shall be deemed to be granted  
13 only in conformance with and contingent upon compliance with  
14 the provisions of this Section.

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

19 Every new benefit increase is contingent upon the General  
20 Assembly providing the additional funding required under this  
21 subsection. The Commission on Government Forecasting and  
22 Accountability shall analyze whether adequate additional  
23 funding has been provided for the new benefit increase and  
24 shall report its analysis to the Public Pension Division of the  
25 Department of Insurance. A new benefit increase created by a  
26 Public Act that does not include the additional funding

1 required under this subsection is null and void. If the Public  
2 Pension Division determines that the additional funding  
3 provided for a new benefit increase under this subsection is or  
4 has become inadequate, it may so certify to the Governor and  
5 the State Comptroller and, in the absence of corrective action  
6 by the General Assembly, the new benefit increase shall expire  
7 at the end of the fiscal year in which the certification is  
8 made.

9 (d) Every new benefit increase shall expire 5 years after  
10 its effective date or on such earlier date as may be specified  
11 in the language enacting the new benefit increase or provided  
12 under subsection (c). This does not prevent the General  
13 Assembly from extending or re-creating a new benefit increase  
14 by law.

15 (e) Except as otherwise provided in the language creating  
16 the new benefit increase, a new benefit increase that expires  
17 under this Section continues to apply to persons who applied  
18 and qualified for the affected benefit while the new benefit  
19 increase was in effect and to the affected beneficiaries and  
20 alternate payees of such persons, but does not apply to any  
21 other person, including, without limitation, a person who  
22 continues in service after the expiration date and did not  
23 apply and qualify for the affected benefit while the new  
24 benefit increase was in effect.

25 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;  
26 100-611, eff. 7-20-18; 101-10, eff. 6-5-19; 101-81, eff.

1 7-12-19; 101-610, eff. 1-1-20.)

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.