



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3651

Introduced 2/22/2021, by Rep. Steven Reick

SYNOPSIS AS INTRODUCED:

40 ILCS 5/16-169.1
40 ILCS 5/16-169.2 new
40 ILCS 5/16-199 from Ch. 108 1/2, par. 16-199
40 ILCS 5/17-143.5
40 ILCS 5/17-143.6 new
40 ILCS 5/17-149.1 from Ch. 108 1/2, par. 17-149.1

Amends the Downstate Teacher and Chicago Teacher Articles of the Illinois Pension Code. Provides that none of the benefits provided for in either Article shall be paid to a person if the person first becomes a member after the effective date of the amendatory Act and a board, after an administrative hearing, determines that the person sexually abused a student. Provides that an employer must notify a board if a retiring member has been accused of sexually abusing a student. Provides that a board may, through an administrative hearing, review the claim of sexual abuse and may order that benefits be forfeited. Provides that the changes made by the amendatory Act shall not operate to impair any contract or vested right acquired before the effective date of the amendatory Act nor to preclude the right to a refund. Provides that all teachers entering service after the effective date of the amendatory Act shall be deemed to have consented to the provisions of the amendatory Act as a condition of membership. Makes conforming changes. Effective immediately.

LRB102 10794 RPS 16124 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
5 changing Sections 16-169.1, 16-199, 17-143.5, and 17-149.1 and
6 by adding Sections 16-169.2 and 17-143.6 as follows:

7 (40 ILCS 5/16-169.1)

8 Sec. 16-169.1. Testimony and the production of records.
9 The secretary of the Board shall have the power to issue
10 subpoenas to compel the attendance of witnesses and the
11 production of documents and records, including law enforcement
12 records maintained by law enforcement agencies, in conjunction
13 with the determination of employer payments required under
14 subsection (f) of Section 16-158, a disability claim, an
15 administrative review proceeding, an attempt to obtain
16 information to assist in the collection of sums due to the
17 System, or a ~~felony~~ forfeiture investigation under Section
18 16-169.2 or 16-199. The fees of witnesses for attendance and
19 travel shall be the same as the fees of witnesses before the
20 circuit courts of this State and shall be paid by the party
21 seeking the subpoena. The Board may apply to any circuit court
22 in the State for an order requiring compliance with a subpoena
23 issued under this Section. Subpoenas issued under this Section

1 shall be subject to applicable provisions of the Code of Civil
2 Procedure.

3 (Source: P.A. 99-450, eff. 8-24-15.)

4 (40 ILCS 5/16-169.2 new)

5 Sec. 16-169.2. Sexual abuse accusations. An employer must
6 notify the Board if a retiring member has been accused of
7 sexually abusing a student. The Board may, through an
8 administrative hearing, review the claim of sexual abuse and
9 may order that the member's benefits be forfeited under
10 Section 16-199.

11 (40 ILCS 5/16-199) (from Ch. 108 1/2, par. 16-199)

12 Sec. 16-199. Felony conviction; sexual abuse of a student.
13 None of the benefits provided for in this Article shall be paid
14 to any person who is convicted of any felony relating to or
15 arising out of or in connection with his or her service as a
16 teacher.

17 None of the benefits provided for in this Article shall be
18 paid to any person who otherwise would receive a survivor
19 benefit who is convicted of any felony relating to or arising
20 out of or in connection with the service of the teacher from
21 whom the benefit results.

22 None of the benefits provided for in this Article shall be
23 paid to any person who first becomes a member after the
24 effective date of this amendatory Act of the 102nd General

1 Assembly and who the Board determines under Section 16-169.2
2 to have sexually abused a student.

3 This Section shall not operate to impair any contract or
4 vested right acquired prior to July 9, 1955 under any law or
5 laws continued in this Article, nor to preclude the right to a
6 refund, and for the changes under Public Act 100-334 ~~this~~
7 ~~amendatory Act of the 100th General Assembly~~, shall not impair
8 any contract or vested right acquired by a survivor prior to
9 August 25, 2017 (the effective date of Public Act 100-334)
10 ~~this amendatory Act of the 100th General Assembly~~. The changes
11 made by this amendatory Act of the 102nd General Assembly
12 shall not operate to impair any contract or vested right
13 acquired before the effective date of this amendatory Act of
14 the 102nd General Assembly. The System may sue any such person
15 to collect all moneys paid in excess of refundable
16 contributions.

17 All teachers entering or re-entering service after July 9,
18 1955 shall be deemed to have consented to the provisions of
19 this Section as a condition of membership, and all
20 participants entering service subsequent to August 25, 2017
21 (the effective date of Public Act 100-334) ~~this amendatory Act~~
22 ~~of the 100th General Assembly~~ shall be deemed to have
23 consented to the provisions of Public Act 100-334 ~~this~~
24 ~~amendatory Act~~ as a condition of participation. All teachers
25 entering service after the effective date of this amendatory
26 Act of the 102nd General Assembly shall be deemed to have

1 consented to the provisions of this amendatory Act of the
2 102nd General Assembly as a condition of membership.

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

4 (40 ILCS 5/17-143.5)

5 Sec. 17-143.5. Testimony and the production of records.
6 The Board shall have the power to issue subpoenas to compel the
7 attendance of witnesses and the production of documents and
8 records in conjunction with the determination of employer
9 payments required under subsection (c) of Section 17-116, a
10 disability claim, an administrative review proceeding, an
11 attempt to obtain information to assist in the collection of
12 sums due to the Fund, or a ~~felony~~ forfeiture investigation
13 under Section 17-143.6 or 17-149.1. The fees of witnesses for
14 attendance and travel shall be the same as the fees of
15 witnesses before the circuit courts of this State and shall be
16 paid by the party seeking the subpoena. The Board may apply to
17 any circuit court in the State for an order requiring
18 compliance with a subpoena issued under this Section.
19 Subpoenas issued under this Section shall be subject to
20 applicable provisions of the Code of Civil Procedure.

21 (Source: P.A. 99-786, eff. 8-12-16.)

22 (40 ILCS 5/17-143.6 new)

23 Sec. 17-143.6. Sexual abuse accusations. An Employer must
24 notify the Board if a retiring member has been accused of

1 sexually abusing a student. The Board may, through an
2 administrative hearing, review the claim of sexual abuse and
3 may order that the member's benefits be forfeited under
4 Section 17-149.1.

5 (40 ILCS 5/17-149.1) (from Ch. 108 1/2, par. 17-149.1)

6 Sec. 17-149.1. Felony conviction; sexual abuse of a
7 student. None of the benefits provided for in this Article
8 shall be paid to any person who is convicted of any felony
9 relating to or arising out of or in connection with his or her
10 service as a teacher.

11 None of the benefits provided for in this Article shall be
12 paid to any person who otherwise would receive a survivor
13 benefit who is convicted of any felony relating to or arising
14 out of or in connection with the service of the teacher from
15 whom the benefit results.

16 None of the benefits provided for in this Article shall be
17 paid to any person who first becomes a member after the
18 effective date of this amendatory Act of the 102nd General
19 Assembly and who the Board determines under Section 17-143.6
20 to have sexually abused a student.

21 This Section shall not operate to impair any contract or
22 vested right acquired prior to January 1, 1988, nor to
23 preclude the right to a refund, and for the changes under
24 Public Act 100-334 ~~this amendatory Act of the 100th General~~
25 ~~Assembly~~, shall not impair any contract or vested right

1 acquired by a survivor prior to August 25, 2017 (the effective
2 date of Public Act 100-334) ~~this amendatory Act of the 100th~~
3 ~~General Assembly. The changes made by this amendatory Act of~~
4 the 102nd General Assembly shall not operate to impair any
5 contract or vested right acquired before the effective date of
6 this amendatory Act of the 102nd General Assembly.

7 All teachers entering service after January 1, 1988 shall
8 be deemed to have consented to the provisions of this Section
9 as a condition of membership, and all participants entering
10 service subsequent to August 25, 2017 (the effective date of
11 Public Act 100-334) ~~this amendatory Act of the 100th General~~
12 ~~Assembly~~ shall be deemed to have consented to the provisions
13 of Public Act 100-334 ~~this amendatory Act~~ as a condition of
14 participation. All teachers entering service after the
15 effective date of this amendatory Act of the 102nd General
16 Assembly shall be deemed to have consented to the provisions
17 of this amendatory Act of the 102nd General Assembly as a
18 condition of membership.

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

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.