



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

### HB4209

Introduced 1/5/2022, by Rep. Katie Stuart

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/3-110.10  
40 ILCS 5/7-139.14  
40 ILCS 5/3-110.13 new  
40 ILCS 5/15-134.4 from Ch. 108 1/2, par. 15-134.4  
30 ILCS 805/8.46 new

Amends the Downstate Police, Illinois Municipal Retirement Fund (IMRF), and State Universities Articles of the Illinois Pension Code. Provides that no later than December 31, 2022, a person may transfer to a fund established under the Downstate Police Article creditable service accumulated under IMRF for service as a sheriff's law enforcement employee, person employed by a participating municipality to perform police duties, law enforcement officer employed on a full-time basis by a forest preserve district, or person employed by a participating municipality to perform administrative duties related to law enforcement. Provides that no later than 6 months after the effective date of the amendatory Act, a person may transfer to a fund established under the Downstate Police Article creditable service accumulated under the State Universities Retirement System for service as a police officer upon payment to the police pension fund of a specified amount to be determined by the board. Authorizes a person applying to transfer service under the provisions to reinstate credits and creditable service that were terminated by paying a specified amount to IMRF or the State Universities Retirement System. Makes conforming and other changes. Amends the State Mandates Act to require implementation without reimbursement. Certain changes to the Downstate Police and IMRF Articles of the Illinois Pension Code and the State Mandates Act are effective immediately.

LRB102 20423 RPS 29284 b

FISCAL NOTE ACT  
MAY APPLY

PENSION IMPACT  
NOTE ACT MAY  
APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

A BILL FOR

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 3-110.10 and 7-139.14 as follows:

6 (40 ILCS 5/3-110.10)

7 Sec. 3-110.10. Transfer from Article 7. Until January 1,  
8 2009, a person may transfer to a fund established under this  
9 Article up to 8 years of creditable service accumulated under  
10 Article 7 of this Code upon payment to the fund of an amount to  
11 be determined by the board, equal to (i) the difference  
12 between the amount of employee and employer contributions  
13 transferred to the fund under Section 7-139.11 and the amounts  
14 that would have been contributed had such contributions been  
15 made at the rates applicable to an employee under this  
16 Article, plus (ii) interest thereon at the actuarially assumed  
17 rate, compounded annually, from the date of service to the  
18 date of payment.

19 No later than December 31, 2022 ~~6 months after the~~  
20 ~~effective date of this amendatory Act of the 102nd General~~  
21 ~~Assembly~~, a person may transfer to a fund established under  
22 this Article creditable service accumulated under Article 7 of  
23 this Code for service as a sheriff's law enforcement employee,

1 person employed by a participating municipality to perform  
2 police duties, ~~or~~ law enforcement officer employed on a  
3 full-time basis by a forest preserve district, or person  
4 employed by a participating municipality to perform  
5 administrative duties related to law enforcement upon payment  
6 to the fund of an amount to be determined by the board, equal  
7 to (i) the difference between the amount of employee and  
8 employer contributions transferred to the fund under Section  
9 7-139.14 and the amounts that would have been contributed had  
10 such contributions been made at the rates applicable to an  
11 employee under this Article, plus (ii) interest thereon at the  
12 actuarially assumed rate, compounded annually, from the date  
13 of service to the date of payment.

14 (Source: P.A. 102-113, eff. 7-23-21.)

15 (40 ILCS 5/7-139.14)

16 Sec. 7-139.14. Transfer to Article 3 pension fund.

17 (a) No later than December 31, 2022 ~~Within 6 months after~~  
18 ~~the effective date of this amendatory Act of the 102nd General~~  
19 ~~Assembly~~, an active member of a pension fund established under  
20 Article 3 of this Code may apply for transfer to that Article 3  
21 pension fund of his or her credits and creditable service  
22 accumulated in this Fund for service as a sheriff's law  
23 enforcement employee, person employed by a participating  
24 municipality to perform police duties, ~~or~~ law enforcement  
25 officer employed on a full-time basis by a forest preserve

1 district, or person employed by a participating municipality  
2 to perform administrative duties related to law enforcement.

3 The creditable service shall be transferred only upon payment  
4 by this Fund to such Article 3 pension fund of an amount equal  
5 to:

6 (1) the amounts accumulated to the credit of the  
7 applicant for the service to be transferred, including  
8 interest; and

9 (2) an amount representing employer contributions,  
10 equal to the total amount determined under item (1); and

11 (3) any interest paid by the applicant to reinstate  
12 such service.

13 Participation in this Fund as to any credits transferred  
14 under this Section shall terminate on the date of transfer.

15 (b) Notwithstanding any other provision of this Code, any  
16 person applying to transfer service under this Section may  
17 reinstate credits and creditable service terminated upon  
18 receipt of a separation benefit by paying to the Fund the  
19 amount of the separation benefit plus interest thereon at the  
20 actuarially assumed rate of interest to the date of payment.  
21 Such payment must be made within 90 days after notification by  
22 the Fund of the cost of such reinstatement.

23 (Source: P.A. 102-113, eff. 7-23-21.)

24 Section 10. The Illinois Pension Code is amended by adding  
25 Section 3-110.13 and by changing Section 15-134.4 as follows:

1 (40 ILCS 5/3-110.13 new)

2 Sec. 3-110.13. Transfer from Article 15. No later than 6  
3 months after the effective date of this amendatory Act of the  
4 102nd General Assembly, a person may transfer to a fund  
5 established under this Article creditable service accumulated  
6 under Article 15 of this Code for service as a police officer  
7 upon payment to the fund of an amount, to be determined by the  
8 board, equal to (i) the difference between the amount of  
9 employee and employer contributions transferred to the fund  
10 under Section 15-134.4 and the amounts that would have been  
11 contributed had such contributions been made at the rates  
12 applicable to an employee under this Article, plus (ii)  
13 interest thereon at the actuarially assumed rate, compounded  
14 annually, from the date of service to the date of payment.

15 (40 ILCS 5/15-134.4) (from Ch. 108 1/2, par. 15-134.4)

16 Sec. 15-134.4. Transfer of creditable service to an  
17 Article 3 pension fund, the Article 5 Pension Fund, or the  
18 Article 14 System.

19 (a) An active member of the Pension Fund established under  
20 Article 5 of this Code may apply, not later than January 1,  
21 1990, to transfer his or her credits and creditable service  
22 accumulated under this System for service with the City  
23 Colleges of Chicago teaching in the Criminal Justice Program,  
24 to the Article 5 Fund. Such credits and creditable service

1 shall be transferred forthwith.

2 Payment by this System to the Article 5 Fund shall be made  
3 at the same time and shall consist of:

4 (1) the amounts credited to the applicant for such  
5 service through employee contributions, including  
6 interest, as of the date of transfer; and

7 (2) employer contributions equal in amount to the  
8 accumulated employee contributions as determined in item  
9 (1).

10 Participation in this System with respect to such credits  
11 shall terminate on the date of transfer.

12 (b) Any active member of the State Employees' Retirement  
13 System who is a State policeman, an investigator for the  
14 Secretary of State, or a conservation police officer, and who  
15 is not a participating employee in this System, may apply for  
16 transfer of some or all of his or her creditable service  
17 accumulated in this System for service as a police officer to  
18 the State Employees' Retirement System in accordance with  
19 Section 14-110. The creditable service shall be transferred  
20 only upon payment by this System to the State Employees'  
21 Retirement System of an amount equal to:

22 (1) the amounts accumulated to the credit of the  
23 applicant for the service to be transferred, including  
24 interest, as of the date of transfer; and

25 (2) employer contributions equal in amount to the  
26 accumulated employee contributions as determined in item

1 (1); and

2 (3) any interest paid by the applicant to reinstate  
3 such service.

4 Participation in this System as to any credits transferred  
5 under this Section shall terminate on the date of transfer.

6 (c) Any person applying to transfer service under  
7 subsection (b) or (d) may reinstate credits and creditable  
8 service terminated upon receipt of a refund by paying to the  
9 System the amount of the refund plus interest thereon at the  
10 rate of 6% per year from the date of the refund to the date of  
11 payment.

12 (d) No later than 6 months after the effective date of this  
13 amendatory Act of the 102nd General Assembly, any active  
14 member of a pension fund established under Article 3 of this  
15 Code who is not a participating employee in this System may  
16 apply for transfer of some or all of his or her creditable  
17 service accumulated in this System for service as a police  
18 officer to that Article 3 pension fund in accordance with  
19 Section 3-110.13. The creditable service shall be transferred  
20 only upon payment by this System to that Article 3 pension fund  
21 of an amount equal to:

22 (1) the amounts accumulated to the credit of the  
23 applicant for the service to be transferred, including  
24 interest, as of the date of transfer; and

25 (2) employer contributions equal in amount to the  
26 accumulated employee contributions as determined in item

1           (1); and  
2           (3) any interest paid by the applicant to reinstate  
3           such service.

4           Participation in this System as to any credits transferred  
5           under this Section shall terminate on the date of transfer.

6           (Source: P.A. 95-530, eff. 8-28-07.)

7           Section 90. The State Mandates Act is amended by adding  
8           Section 8.46 as follows:

9           (30 ILCS 805/8.46 new)

10          Sec. 8.46. Exempt mandate. Notwithstanding Sections 6 and  
11          8 of this Act, no reimbursement by the State is required for  
12          the implementation of any mandate created by this amendatory  
13          Act of the 102nd General Assembly.

14          Section 99. Effective date. This Section, Section 5, and  
15          Section 90 take effect upon becoming law.