



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1796

Introduced 2/26/2021, 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.

LRB102 14096 RPS 19448 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 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8 (a) Any member who has withdrawn from service with not
9 less than 20 years of eligible creditable service and has
10 attained age 55, and any member who has withdrawn from service
11 with not less than 25 years of eligible creditable service and
12 has attained age 50, regardless of whether the attainment of
13 either of the specified ages occurs while the member is still
14 in service, shall be entitled to receive at the option of the
15 member, in lieu of the regular or minimum retirement annuity,
16 a retirement annuity computed as follows:

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

1 and 2 3/4% for each year of creditable service above 20
2 years; and

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

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

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

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

24 (1) State policeman;

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

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

26 A person employed in one of the positions specified in

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

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

15 (c) For the purposes of this Section:

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

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

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

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

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

20 (5) The term "investigator for the Secretary of State"
21 means any person employed by the Office of the Secretary
22 of State and vested with such investigative duties as
23 render him 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.

26 A person who became employed as an investigator for

1 the Secretary of State between January 1, 1967 and
2 December 31, 1975, and who has served as such until
3 attainment of age 60, either continuously or with a single
4 break in service of not more than 3 years duration, which
5 break terminated before January 1, 1976, shall be entitled
6 to have his retirement annuity calculated in accordance
7 with subsection (a), notwithstanding that he has less than
8 20 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
21 render him ineligible for coverage under the Social
22 Security Act by reason of Sections 218(d)(5)(A),
23 218(d)(8)(D) and 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
6 Department of Human Services who (i) is employed at the
7 Chester Mental Health Center and has daily contact with
8 the residents thereof, (ii) is employed within a security
9 unit at a facility operated by the Department and has
10 daily contact with the residents of the security unit,
11 (iii) is employed at a facility operated by the Department
12 that includes a security unit and is regularly scheduled
13 to work at least 50% of his or her working hours within
14 that security unit, or (iv) is a mental health police
15 officer. "Mental health police officer" means any person
16 employed by the Department of Human Services in a position
17 pertaining to the Department's mental health and
18 developmental disabilities functions who is vested with
19 such law enforcement duties as render the person
20 ineligible for coverage under the Social Security Act by
21 reason of Sections 218(d)(5)(A), 218(d)(8)(D) and
22 218(1)(1) of that Act. "Security unit" means that portion
23 of a facility that is devoted to the care, containment,
24 and treatment of persons committed to the Department of
25 Human Services as sexually violent persons, persons unfit
26 to stand trial, or persons not guilty by reason of

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

5 The changes made to this subdivision (c)(8) by Public
6 Act 92-14 apply to persons who retire on or after January
7 1, 2001, notwithstanding Section 1-103.1.

8 (9) "Central Management Services security police
9 officer" means any person employed by the Department of
10 Central Management Services who is vested with such law
11 enforcement duties as render him ineligible for coverage
12 under the Social Security Act by reason of Sections
13 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

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

1 or after July 1, 2005, the term means an employee of the
2 Department of Corrections or the Department of Juvenile
3 Justice who is any of the following: (i) officially
4 headquartered at a correctional facility or Juvenile
5 facility operated by the Department of Juvenile Justice,
6 (ii) a parole officer, (iii) a member of the apprehension
7 unit, (iv) a member of the intelligence unit, (v) a member
8 of the sort team, or (vi) an investigator.

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

12 (12) The term "investigator for the Department of
13 State Police" means a person employed by the Department of
14 State Police who is vested under Section 4 of the Narcotic
15 Control Division Abolition Act with such law enforcement
16 powers as render him ineligible for coverage under the
17 Social Security Act by reason of Sections 218(d)(5)(A),
18 218(d)(8)(D) and 218(1)(1) of that Act.

19 (13) "Investigator for the Office of the Attorney
20 General" means any person who is employed as such by the
21 Office of the Attorney General and is vested with such
22 investigative duties as render him ineligible for coverage
23 under the Social Security Act by reason of Sections
24 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act. For
25 the period before January 1, 1989, the term includes all
26 persons who were employed as investigators by the Office

1 of the Attorney General, without regard to social security
2 status.

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

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

17 (16) "Commerce Commission police officer" means any
18 person employed by the Illinois Commerce Commission who is
19 vested with such law enforcement duties as render him
20 ineligible for coverage under the Social Security Act by
21 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and
22 218(1)(1) of that Act.

23 (17) "Arson investigator" means any person who is
24 employed as such by the Office of the State Fire Marshal
25 and is vested with such law enforcement duties as render
26 the person ineligible for coverage under the Social

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

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

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

25 (ii) A person employed on a full-time basis by the
26 Illinois State Toll Highway Authority in the position

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

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

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

26 (d) A security employee of the Department of Corrections

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

8 (i) 25 years of eligible creditable service and age
9 55; or

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

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

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

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

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

25 Persons who have service credit under Article 16 of this
26 Code for service as a security employee of the Department of

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

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

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

1 made after July 31, 1987, regular interest on the amount
2 specified in item (1) from the date of service to the date of
3 payment.

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

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

1 to the date of payment.

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

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

1 annually, from the date of service to the date of payment.

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

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

1 under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4
2 and the amounts that would have been contributed had such
3 contributions been made at the rates applicable to State
4 policemen, plus (ii) interest thereon at the effective rate
5 for each year, compounded annually, from the date of service
6 to the date of payment.

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

25 Subject to the limitation in subsection (i), a State
26 policeman, conservation police officer, investigator for the

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

19 Subject to the limitation in subsection (i), a State
20 policeman may elect to establish eligible creditable service
21 for up to 5 years of service as a person employed by a
22 participating municipality to perform police duties under
23 Article 7, a county corrections officer, or a court services
24 officer under Article 9 by filing a written election with the
25 Board within 6 months after the effective date of this
26 amendatory Act of the 102nd General Assembly and paying to the

1 System an amount to be determined by the Board equal to (i) the
2 difference between the amount of employee and employer
3 contributions transferred to the System under Sections 7-139.8
4 and 9-121.10 and the amounts that would have been contributed
5 had such contributions been made at the rates applicable to
6 State policemen, plus (ii) interest thereon at the actuarially
7 assumed rate for each year, compounded annually, from the date
8 of service to the date of payment.

9 Notwithstanding the limitation in subsection (i), a State
10 policeman may elect to convert service credit earned under
11 this Article to eligible creditable service, as defined by
12 this Section, by filing a written election with the Board
13 within 6 months after the effective date of this amendatory
14 Act of the 102nd General Assembly and paying to the System an
15 amount to be determined by the Board equal to (i) the
16 difference between the amount of employee contributions
17 originally paid for that service and the amounts that would
18 have been contributed had such contributions been made at the
19 rates applicable to State policemen, plus (ii) the difference
20 between the employer's normal cost of the credit prior to the
21 conversion authorized by this amendatory Act of the 102nd
22 General Assembly and the employer's normal cost of the credit
23 converted in accordance with this amendatory Act of the 102nd
24 General Assembly, plus (iii) interest thereon at the
25 actuarially assumed rate for each year, compounded annually,
26 from the date of service to the date of payment.

1 (i) The total amount of eligible creditable service
2 established by any person under subsections (g), (h), (j),
3 (k), (l), (1-5), and (o) of this Section shall not exceed 12
4 years.

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

20 (k) Subject to the limitation in subsection (i) of this
21 Section, an alternative formula employee may elect to
22 establish eligible creditable service for periods spent as a
23 full-time law enforcement officer or full-time corrections
24 officer employed by the federal government or by a state or
25 local government located outside of Illinois, for which credit
26 is not held in any other public employee pension fund or

1 retirement system. To obtain this credit, the applicant must
2 file a written application with the Board by March 31, 1998,
3 accompanied by evidence of eligibility acceptable to the Board
4 and payment of an amount to be determined by the Board, equal
5 to (1) employee contributions for the credit being
6 established, based upon the applicant's salary on the first
7 day as an alternative formula employee after the employment
8 for which credit is being established and the rates then
9 applicable to alternative formula employees, plus (2) an
10 amount determined by the Board to be the employer's normal
11 cost of the benefits accrued for the credit being established,
12 plus (3) regular interest on the amounts in items (1) and (2)
13 from the first day as an alternative formula employee after
14 the employment for which credit is being established to the
15 date of payment.

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

1 Corrections, plus (ii) interest thereon at the effective rate
2 for each year, compounded annually, from the date of service
3 to the date of payment.

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

26 (m) The amendatory changes to this Section made by this

1 amendatory Act of the 94th General Assembly apply only to: (1)
2 security employees of the Department of Juvenile Justice
3 employed by the Department of Corrections before the effective
4 date of this amendatory Act of the 94th General Assembly and
5 transferred to the Department of Juvenile Justice by this
6 amendatory Act of the 94th General Assembly; and (2) persons
7 employed by the Department of Juvenile Justice on or after the
8 effective date of this amendatory Act of the 94th General
9 Assembly who are required by subsection (b) of Section
10 3-2.5-15 of the Unified Code of Corrections to have any
11 bachelor's or advanced degree from an accredited college or
12 university or, in the case of persons who provide vocational
13 training, who are required to have adequate knowledge in the
14 skill for which they are providing the vocational training.

15 (n) A person employed in a position under subsection (b)
16 of this Section who has purchased service credit under
17 subsection (j) of Section 14-104 or subsection (b) of Section
18 14-105 in any other capacity under this Article may convert up
19 to 5 years of that service credit into service credit covered
20 under this Section by paying to the Fund an amount equal to (1)
21 the additional employee contribution required under Section
22 14-133, plus (2) the additional employer contribution required
23 under Section 14-131, plus (3) interest on items (1) and (2) at
24 the actuarially assumed rate from the date of the service to
25 the date of payment.

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

1 conservation police officer, investigator for the Secretary of
2 State, Commerce Commission police officer, investigator for
3 the Department of Revenue or the Illinois Gaming Board, or
4 arson investigator subject to subsection (g) of Section 1-160
5 may elect to convert up to 8 years of service credit
6 established before the effective date of this amendatory Act
7 of the 101st General Assembly as a conservation police
8 officer, investigator for the Secretary of State, Commerce
9 Commission police officer, investigator for the Department of
10 Revenue or the Illinois Gaming Board, or arson investigator
11 under this Article into eligible creditable service by filing
12 a written election with the Board no later than one year after
13 the effective date of this amendatory Act of the 101st General
14 Assembly, accompanied by payment of an amount to be determined
15 by the Board equal to (i) the difference between the amount of
16 the employee contributions actually paid for that service and
17 the amount of the employee contributions that would have been
18 paid had the employee contributions been made as a noncovered
19 employee serving in a position in which eligible creditable
20 service, as defined in this Section, may be earned, plus (ii)
21 interest thereon at the effective rate for each year,
22 compounded annually, from the date of service to the date of
23 payment.

24 (Source: P.A. 100-19, eff. 1-1-18; 100-611, eff. 7-20-18;
25 101-610, eff. 1-1-20.)

1 (40 ILCS 5/14-152.1)

2 Sec. 14-152.1. Application and expiration of new benefit
3 increases.

4 (a) As used in this Section, "new benefit increase" means
5 an increase in the amount of any benefit provided under this
6 Article, or an expansion of the conditions of eligibility for
7 any benefit under this Article, that results from an amendment
8 to this Code that takes effect after June 1, 2005 (the
9 effective date of Public Act 94-4). "New benefit increase",
10 however, does not include any benefit increase resulting from
11 the changes made to Article 1 or this Article by Public Act
12 96-37, Public Act 100-23, Public Act 100-587, Public Act
13 100-611, Public Act 101-10, Public Act 101-610, or this
14 amendatory Act of the 102nd General Assembly ~~or this~~
15 ~~amendatory Act of the 101st General Assembly.~~

16 (b) Notwithstanding any other provision of this Code or
17 any subsequent amendment to this Code, every new benefit
18 increase is subject to this Section and shall be deemed to be
19 granted only in conformance with and contingent upon
20 compliance with the provisions of this Section.

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

25 Every new benefit increase is contingent upon the General
26 Assembly providing the additional funding required under this

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

15 (d) Every new benefit increase shall expire 5 years after
16 its effective date or on such earlier date as may be specified
17 in the language enacting the new benefit increase or provided
18 under subsection (c). This does not prevent the General
19 Assembly from extending or re-creating a new benefit increase
20 by law.

21 (e) Except as otherwise provided in the language creating
22 the new benefit increase, a new benefit increase that expires
23 under this Section continues to apply to persons who applied
24 and qualified for the affected benefit while the new benefit
25 increase was in effect and to the affected beneficiaries and
26 alternate payees of such persons, but does not apply to any

1 other person, including, without limitation, a person who
2 continues in service after the expiration date and did not
3 apply and qualify for the affected benefit while the new
4 benefit increase was in effect.

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

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