



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB2104

Introduced 2/26/2021, by Sen. Robert F. Martwick

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Pension Code. In the Downstate Firefighter Article, provides that an active member of the State Employees' Retirement System (SERS) who is an arson investigator may apply to transfer to SERS his or her credits and creditable service accumulated in any downstate firefighter pension fund. In the IMRF Article, provides that an active member of SERS who is a Commerce Commission police officer may apply to transfer to SERS his or her credits and creditable service in IMRF as a sheriff's law enforcement employee, person employed by a participating municipality to perform police duties, or law enforcement officer employed on a full-time basis by a forest preserve district. In the State Employees Article, provides that a State policeman, arson investigator, or Commerce Commission police officer 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 IMRF, 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 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. Makes other changes. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB102 12563 RPS 17901 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 adding  
5 Section 4-108.8 and by changing Sections 7-139.8, 14-110, and  
6 14-152.1 as follows:

7 (40 ILCS 5/4-108.8 new)

8 Sec. 4-108.8. Transfer of creditable service to the State  
9 Employees' Retirement System.

10 (a) Any active member of the State Employees' Retirement  
11 System who is an arson investigator may apply for transfer of  
12 some or all of his or her credits and creditable service  
13 accumulated in any firefighters' pension fund under this  
14 Article to the State Employees' Retirement System in  
15 accordance with Section 14-110. The creditable service shall  
16 be transferred only upon payment by the firefighters' pension  
17 fund to the State Employees' Retirement System of an amount  
18 equal to:

19 (1) the amounts accumulated to the credit of the  
20 applicant for the service to be transferred on file with  
21 the fund on the date of transfer;

22 (2) employer contributions in an amount equal to the  
23 amount determined under paragraph (1); and

1           (3) any interest paid by the applicant in order to  
2           reinstate service to be transferred.

3           Participation in the firefighters' pension fund with  
4           respect to the service to be transferred shall terminate on  
5           the date of transfer.

6           (b) Any person applying to transfer service under this  
7           Section may reinstate service that was terminated by receipt  
8           of a refund, by paying to the firefighters' pension fund the  
9           amount of the refund with interest thereon at the actuarially  
10           assumed rate of interest, compounded annually, from the date  
11           of refund to the date of payment.

12           (40 ILCS 5/7-139.8) (from Ch. 108 1/2, par. 7-139.8)

13           Sec. 7-139.8. Transfer to Article 14 System.

14           (a) Any active member of the State Employees' Retirement  
15           System who is a State policeman, an investigator for the  
16           Secretary of State, a conservation police officer, an  
17           investigator for the Office of the Attorney General, an  
18           investigator for the Department of Revenue, a Commerce  
19           Commission police officer, an investigator for the Office of  
20           the State's Attorneys Appellate Prosecutor, or a controlled  
21           substance inspector may apply for transfer of some or all of  
22           his or her credits and creditable service accumulated in this  
23           Fund for service as a sheriff's law enforcement employee,  
24           person employed by a participating municipality to perform  
25           police duties, or law enforcement officer employed on a

1 full-time basis by a forest preserve district to the State  
2 Employees' Retirement System in accordance with Section  
3 14-110. The creditable service shall be transferred only upon  
4 payment by this Fund to the State Employees' Retirement System  
5 of an amount equal 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) municipality credits based on such service,  
10 including interest; and

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

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

15 (b) Any person applying to transfer service under this  
16 Section may reinstate credits and creditable service  
17 terminated upon receipt of a separation benefit, by paying to  
18 the Fund the amount of the separation benefit plus interest  
19 thereon at the actuarially assumed rate of interest to the  
20 date of payment.

21 (Source: P.A. 95-530, eff. 8-28-07; 96-745, eff. 8-25-09.)

22 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)  
23 Sec. 14-110. Alternative retirement annuity.

24 (a) Any member who has withdrawn from service with not  
25 less than 20 years of eligible creditable service and has

1 attained age 55, and any member who has withdrawn from service  
2 with not less than 25 years of eligible creditable service and  
3 has attained age 50, regardless of whether the attainment of  
4 either of the specified ages occurs while the member is still  
5 in service, shall be entitled to receive at the option of the  
6 member, in lieu of the regular or minimum retirement annuity,  
7 a retirement annuity computed as follows:

8 (i) for periods of service as a noncovered employee:  
9 if retirement occurs on or after January 1, 2001, 3% of  
10 final average compensation for each year of creditable  
11 service; if retirement occurs before January 1, 2001, 2  
12 1/4% of final average compensation for each of the first  
13 10 years of creditable service, 2 1/2% for each year above  
14 10 years to and including 20 years of creditable service,  
15 and 2 3/4% for each year of creditable service above 20  
16 years; and

17 (ii) for periods of eligible creditable service as a  
18 covered employee: if retirement occurs on or after January  
19 1, 2001, 2.5% of final average compensation for each year  
20 of creditable service; if retirement occurs before January  
21 1, 2001, 1.67% of final average compensation for each of  
22 the first 10 years of such service, 1.90% for each of the  
23 next 10 years of such service, 2.10% for each year of such  
24 service in excess of 20 but not exceeding 30, and 2.30% for  
25 each year in excess of 30.

26 Such annuity shall be subject to a maximum of 75% of final

1 average compensation if retirement occurs before January 1,  
2 2001 or to a maximum of 80% of final average compensation if  
3 retirement occurs on or after January 1, 2001.

4 These rates shall not be applicable to any service  
5 performed by a member as a covered employee which is not  
6 eligible creditable service. Service as a covered employee  
7 which is not eligible creditable service shall be subject to  
8 the rates and provisions of Section 14-108.

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

12 (1) State policeman;

13 (2) fire fighter in the fire protection service of a  
14 department;

15 (3) air pilot;

16 (4) special agent;

17 (5) investigator for the Secretary of State;

18 (6) conservation police officer;

19 (7) investigator for the Department of Revenue or the  
20 Illinois Gaming Board;

21 (8) security employee of the Department of Human  
22 Services;

23 (9) Central Management Services security police  
24 officer;

25 (10) security employee of the Department of  
26 Corrections or the Department of Juvenile Justice;

- 1 (11) dangerous drugs investigator;
- 2 (12) investigator for the Department of State Police;
- 3 (13) investigator for the Office of the Attorney
- 4 General;
- 5 (14) controlled substance inspector;
- 6 (15) investigator for the Office of the State's
- 7 Attorneys Appellate Prosecutor;
- 8 (16) Commerce Commission police officer;
- 9 (17) arson investigator;
- 10 (18) State highway maintenance worker;
- 11 (19) security employee of the Department of Innovation
- 12 and Technology; or
- 13 (20) transferred employee.

14 A person employed in one of the positions specified in  
15 this subsection is entitled to eligible creditable service for  
16 service credit earned under this Article while undergoing the  
17 basic police training course approved by the Illinois Law  
18 Enforcement Training Standards Board, if completion of that  
19 training is required of persons serving in that position. For  
20 the purposes of this Code, service during the required basic  
21 police training course shall be deemed performance of the  
22 duties of the specified position, even though the person is  
23 not a sworn peace officer at the time of the training.

24 A person under paragraph (20) is entitled to eligible  
25 creditable service for service credit earned under this  
26 Article on and after his or her transfer by Executive Order No.

1 2003-10, Executive Order No. 2004-2, or Executive Order No.  
2 2016-1.

3 (c) For the purposes of this Section:

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

7 (2) The term "fire fighter in the fire protection  
8 service of a department" includes all officers in such  
9 fire protection service including fire chiefs and  
10 assistant fire chiefs.

11 (3) The term "air pilot" includes any employee whose  
12 official job description on file in the Department of  
13 Central Management Services, or in the department by which  
14 he is employed if that department is not covered by the  
15 Personnel Code, states that his principal duty is the  
16 operation of aircraft, and who possesses a pilot's  
17 license; however, the change in this definition made by  
18 this amendatory Act of 1983 shall not operate to exclude  
19 any noncovered employee who was an "air pilot" for the  
20 purposes of this Section on January 1, 1984.

21 (4) The term "special agent" means any person who by  
22 reason of employment by the Division of Narcotic Control,  
23 the Bureau of Investigation or, after July 1, 1977, the  
24 Division of Criminal Investigation, the Division of  
25 Internal Investigation, the Division of Operations, or any  
26 other Division or organizational entity in the Department



1 of State Police is vested by law with duties to maintain  
2 public order, investigate violations of the criminal law  
3 of this State, enforce the laws of this State, make  
4 arrests and recover property. The term "special agent"  
5 includes any title or position in the Department of State  
6 Police that is held by an individual employed under the  
7 State Police Act.

8 (5) The term "investigator for the Secretary of State"  
9 means any person employed by the Office of the Secretary  
10 of State and vested with such investigative duties as  
11 render him ineligible for coverage under the Social  
12 Security Act by reason of Sections 218(d)(5)(A),  
13 218(d)(8)(D) and 218(1)(1) of that Act.

14 A person who became employed as an investigator for  
15 the Secretary of State between January 1, 1967 and  
16 December 31, 1975, and who has served as such until  
17 attainment of age 60, either continuously or with a single  
18 break in service of not more than 3 years duration, which  
19 break terminated before January 1, 1976, shall be entitled  
20 to have his retirement annuity calculated in accordance  
21 with subsection (a), notwithstanding that he has less than  
22 20 years of credit for such service.

23 (6) The term "Conservation Police Officer" means any  
24 person employed by the Division of Law Enforcement of the  
25 Department of Natural Resources and vested with such law  
26 enforcement duties as render him ineligible for coverage

1 under the Social Security Act by reason of Sections  
2 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The  
3 term "Conservation Police Officer" includes the positions  
4 of Chief Conservation Police Administrator and Assistant  
5 Conservation Police Administrator.

6 (7) The term "investigator for the Department of  
7 Revenue" means any person employed by the Department of  
8 Revenue and vested with such investigative duties as  
9 render him ineligible for coverage under the Social  
10 Security Act by reason of Sections 218(d)(5)(A),  
11 218(d)(8)(D) and 218(1)(1) of that Act.

12 The term "investigator for the Illinois Gaming Board"  
13 means any person employed as such by the Illinois Gaming  
14 Board and vested with such peace officer duties as render  
15 the person ineligible for coverage under the Social  
16 Security Act by reason of Sections 218(d)(5)(A),  
17 218(d)(8)(D), and 218(1)(1) of that Act.

18 (8) The term "security employee of the Department of  
19 Human Services" means any person employed by the  
20 Department of Human Services who (i) is employed at the  
21 Chester Mental Health Center and has daily contact with  
22 the residents thereof, (ii) is employed within a security  
23 unit at a facility operated by the Department and has  
24 daily contact with the residents of the security unit,  
25 (iii) is employed at a facility operated by the Department  
26 that includes a security unit and is regularly scheduled

1 to work at least 50% of his or her working hours within  
2 that security unit, or (iv) is a mental health police  
3 officer. "Mental health police officer" means any person  
4 employed by the Department of Human Services in a position  
5 pertaining to the Department's mental health and  
6 developmental disabilities functions who is vested with  
7 such law enforcement duties as render the person  
8 ineligible for coverage under the Social Security Act by  
9 reason of Sections 218(d)(5)(A), 218(d)(8)(D) and  
10 218(1)(1) of that Act. "Security unit" means that portion  
11 of a facility that is devoted to the care, containment,  
12 and treatment of persons committed to the Department of  
13 Human Services as sexually violent persons, persons unfit  
14 to stand trial, or persons not guilty by reason of  
15 insanity. With respect to past employment, references to  
16 the Department of Human Services include its predecessor,  
17 the Department of Mental Health and Developmental  
18 Disabilities.

19 The changes made to this subdivision (c)(8) by Public  
20 Act 92-14 apply to persons who retire on or after January  
21 1, 2001, notwithstanding Section 1-103.1.

22 (9) "Central Management Services security police  
23 officer" means any person employed by the Department of  
24 Central Management Services who is vested with such law  
25 enforcement duties as render him ineligible for coverage  
26 under the Social Security Act by reason of Sections

1 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

2 (10) For a member who first became an employee under  
3 this Article before July 1, 2005, the term "security  
4 employee of the Department of Corrections or the  
5 Department of Juvenile Justice" means any employee of the  
6 Department of Corrections or the Department of Juvenile  
7 Justice or the former Department of Personnel, and any  
8 member or employee of the Prisoner Review Board, who has  
9 daily contact with inmates or youth by working within a  
10 correctional facility or Juvenile facility operated by the  
11 Department of Juvenile Justice or who is a parole officer  
12 or an employee who has direct contact with committed  
13 persons in the performance of his or her job duties. For a  
14 member who first becomes an employee under this Article on  
15 or after July 1, 2005, the term means an employee of the  
16 Department of Corrections or the Department of Juvenile  
17 Justice who is any of the following: (i) officially  
18 headquartered at a correctional facility or Juvenile  
19 facility operated by the Department of Juvenile Justice,  
20 (ii) a parole officer, (iii) a member of the apprehension  
21 unit, (iv) a member of the intelligence unit, (v) a member  
22 of the sort team, or (vi) an investigator.

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

26 (12) The term "investigator for the Department of

1 State Police" means a person employed by the Department of  
2 State Police who is vested under Section 4 of the Narcotic  
3 Control Division Abolition Act with such law enforcement  
4 powers as render him ineligible for coverage under the  
5 Social Security Act by reason of Sections 218(d)(5)(A),  
6 218(d)(8)(D) and 218(1)(1) of that Act.

7 (13) "Investigator for the Office of the Attorney  
8 General" means any person who is employed as such by the  
9 Office of the Attorney General and is vested with such  
10 investigative 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. For  
13 the period before January 1, 1989, the term includes all  
14 persons who were employed as investigators by the Office  
15 of the Attorney General, without regard to social security  
16 status.

17 (14) "Controlled substance inspector" means any person  
18 who is employed as such by the Department of Professional  
19 Regulation and is vested with such law enforcement duties  
20 as render him ineligible for coverage under the Social  
21 Security Act by reason of Sections 218(d)(5)(A),  
22 218(d)(8)(D) and 218(1)(1) of that Act. The term  
23 "controlled substance inspector" includes the Program  
24 Executive of Enforcement and the Assistant Program  
25 Executive of Enforcement.

26 (15) The term "investigator for the Office of the

1 State's Attorneys Appellate Prosecutor" means a person  
2 employed in that capacity on a full time basis under the  
3 authority of Section 7.06 of the State's Attorneys  
4 Appellate Prosecutor's Act.

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

11 (17) "Arson investigator" means any person who is  
12 employed as such by the Office of the State Fire Marshal  
13 and is vested with such law enforcement duties as render  
14 the person ineligible for coverage under the Social  
15 Security Act by reason of Sections 218(d)(5)(A),  
16 218(d)(8)(D), and 218(1)(1) of that Act. A person who was  
17 employed as an arson investigator on January 1, 1995 and  
18 is no longer in service but not yet receiving a retirement  
19 annuity may convert his or her creditable service for  
20 employment as an arson investigator into eligible  
21 creditable service by paying to the System the difference  
22 between the employee contributions actually paid for that  
23 service and the amounts that would have been contributed  
24 if the applicant were contributing at the rate applicable  
25 to persons with the same social security status earning  
26 eligible creditable service on the date of application.

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

3           (i) A person employed on a full-time basis by the  
4 Illinois Department of Transportation in the position  
5 of highway maintainer, highway maintenance lead  
6 worker, highway maintenance lead/lead worker, heavy  
7 construction equipment operator, power shovel  
8 operator, or bridge mechanic; and whose principal  
9 responsibility is to perform, on the roadway, the  
10 actual maintenance necessary to keep the highways that  
11 form a part of the State highway system in serviceable  
12 condition for vehicular traffic.

13           (ii) A person employed on a full-time basis by the  
14 Illinois State Toll Highway Authority in the position  
15 of equipment operator/laborer H-4, equipment  
16 operator/laborer H-6, welder H-4, welder H-6,  
17 mechanical/electrical H-4, mechanical/electrical H-6,  
18 water/sewer H-4, water/sewer H-6, sign maker/hanger  
19 H-4, sign maker/hanger H-6, roadway lighting H-4,  
20 roadway lighting H-6, structural H-4, structural H-6,  
21 painter H-4, or painter H-6; and whose principal  
22 responsibility is to perform, on the roadway, the  
23 actual maintenance necessary to keep the Authority's  
24 tollways in serviceable condition for vehicular  
25 traffic.

26           (19) The term "security employee of the Department of

1           Innovation and Technology" means a person who was a  
2           security employee of the Department of Corrections or the  
3           Department of Juvenile Justice, was transferred to the  
4           Department of Innovation and Technology pursuant to  
5           Executive Order 2016-01, and continues to perform similar  
6           job functions under that Department.

7           (20) "Transferred employee" means an employee who was  
8           transferred to the Department of Central Management  
9           Services by Executive Order No. 2003-10 or Executive Order  
10          No. 2004-2 or transferred to the Department of Innovation  
11          and Technology by Executive Order No. 2016-1, or both, and  
12          was entitled to eligible creditable service for services  
13          immediately preceding the transfer.

14          (d) A security employee of the Department of Corrections  
15          or the Department of Juvenile Justice, a security employee of  
16          the Department of Human Services who is not a mental health  
17          police officer, and a security employee of the Department of  
18          Innovation and Technology shall not be eligible for the  
19          alternative retirement annuity provided by this Section unless  
20          he or she meets the following minimum age and service  
21          requirements at the time of retirement:

22                 (i) 25 years of eligible creditable service and age  
23                 55; or

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



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

4 (iv) beginning January 1, 1989, 25 years of eligible  
5 creditable service and age 52, or 22 years of eligible  
6 creditable service and age 55; or

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

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

13 Persons who have service credit under Article 16 of this  
14 Code for service as a security employee of the Department of  
15 Corrections or the Department of Juvenile Justice, or the  
16 Department of Human Services in a position requiring  
17 certification as a teacher may count such service toward  
18 establishing their eligibility under the service requirements  
19 of this Section; but such service may be used only for  
20 establishing such eligibility, and not for the purpose of  
21 increasing or calculating any benefit.

22 (e) If a member enters military service while working in a  
23 position in which eligible creditable service may be earned,  
24 and returns to State service in the same or another such  
25 position, and fulfills in all other respects the conditions  
26 prescribed in this Article for credit for military service,

1 such military service shall be credited as eligible creditable  
2 service for the purposes of the retirement annuity prescribed  
3 in this Section.

4 (f) For purposes of calculating retirement annuities under  
5 this Section, periods of service rendered after December 31,  
6 1968 and before October 1, 1975 as a covered employee in the  
7 position of special agent, conservation police officer, mental  
8 health police officer, or investigator for the Secretary of  
9 State, shall be deemed to have been service as a noncovered  
10 employee, provided that the employee pays to the System prior  
11 to retirement an amount equal to (1) the difference between  
12 the employee contributions that would have been required for  
13 such service as a noncovered employee, and the amount of  
14 employee contributions actually paid, plus (2) if payment is  
15 made after July 31, 1987, regular interest on the amount  
16 specified in item (1) from the date of service to the date of  
17 payment.

18 For purposes of calculating retirement annuities under  
19 this Section, periods of service rendered after December 31,  
20 1968 and before January 1, 1982 as a covered employee in the  
21 position of investigator for the Department of Revenue shall  
22 be deemed to have been service as a noncovered employee,  
23 provided that the employee pays to the System prior to  
24 retirement an amount equal to (1) the difference between the  
25 employee contributions that would have been required for such  
26 service as a noncovered employee, and the amount of employee

1 contributions actually paid, plus (2) if payment is made after  
2 January 1, 1990, regular interest on the amount specified in  
3 item (1) from the date of service to the date of payment.

4 (g) A State policeman may elect, not later than January 1,  
5 1990, to establish eligible creditable service for up to 10  
6 years of his service as a policeman under Article 3, by filing  
7 a written election with the Board, accompanied by payment of  
8 an amount to be determined by the Board, equal to (i) the  
9 difference between the amount of employee and employer  
10 contributions transferred to the System under Section 3-110.5,  
11 and the amounts that would have been contributed had such  
12 contributions been made at the rates applicable to State  
13 policemen, plus (ii) interest thereon at the effective rate  
14 for each year, compounded annually, from the date of service  
15 to the date of payment.

16 Subject to the limitation in subsection (i), a State  
17 policeman may elect, not later than July 1, 1993, to establish  
18 eligible creditable service for up to 10 years of his service  
19 as a member of the County Police Department under Article 9, by  
20 filing a written election with the Board, accompanied by  
21 payment of an amount to be determined by the Board, equal to  
22 (i) the difference between the amount of employee and employer  
23 contributions transferred to the System under Section 9-121.10  
24 and the amounts that would have been contributed had those  
25 contributions been made at the rates applicable to State  
26 policemen, plus (ii) interest thereon at the effective rate

1 for each year, compounded annually, from the date of service  
2 to the date of payment.

3 (h) Subject to the limitation in subsection (i), a State  
4 policeman or investigator for the Secretary of State may elect  
5 to establish eligible creditable service for up to 12 years of  
6 his service as a policeman under Article 5, by filing a written  
7 election with the Board on or before January 31, 1992, 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 5-236, and the amounts that would  
12 have been contributed had such contributions been made at the  
13 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 10 years of service as a sheriff's  
20 law enforcement employee under Article 7, by filing a written  
21 election with the Board on or before January 31, 1993, and  
22 paying to the System by January 31, 1994 an amount to be  
23 determined by the Board, equal to (i) the difference between  
24 the amount of employee and employer contributions transferred  
25 to the System under Section 7-139.7, and the amounts that  
26 would have been contributed had such contributions been made

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

4 Subject to the limitation in subsection (i), a State  
5 policeman, conservation police officer, or investigator for  
6 the Secretary of State may elect to establish eligible  
7 creditable service for up to 5 years of service as a police  
8 officer under Article 3, a policeman under Article 5, a  
9 sheriff's law enforcement employee under Article 7, a member  
10 of the county police department under Article 9, or a police  
11 officer under Article 15 by filing a written election with the  
12 Board and paying to the System an amount to be determined by  
13 the 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, 9-121.10, or 15-134.4  
16 and the amounts that would have been contributed had such  
17 contributions been made at the rates applicable to State  
18 policemen, plus (ii) interest thereon at the effective rate  
19 for each year, compounded annually, from the date of service  
20 to the date of payment.

21 Subject to the limitation in subsection (i), an  
22 investigator for the Office of the Attorney General, or an  
23 investigator for the Department of Revenue, may elect to  
24 establish eligible creditable service for up to 5 years of  
25 service as a police officer under Article 3, a policeman under  
26 Article 5, a sheriff's law enforcement employee under Article

1 7, or a member of the county police department under Article 9  
2 by filing a written election with the Board within 6 months  
3 after August 25, 2009 (the effective date of Public Act  
4 96-745) and paying to the System an amount to be determined by  
5 the Board, equal to (i) the difference between the amount of  
6 employee and employer contributions transferred to the System  
7 under Section 3-110.6, 5-236, 7-139.8, or 9-121.10 and the  
8 amounts that would have been contributed had such  
9 contributions been made at the rates applicable to State  
10 policemen, plus (ii) interest thereon at the actuarially  
11 assumed rate for each year, compounded annually, from the date  
12 of service to the date of payment.

13 Subject to the limitation in subsection (i), a State  
14 policeman, conservation police officer, investigator for the  
15 Office of the Attorney General, an investigator for the  
16 Department of Revenue, or investigator for the Secretary of  
17 State may elect to establish eligible creditable service for  
18 up to 5 years of service as a person employed by a  
19 participating municipality to perform police duties, or law  
20 enforcement officer employed on a full-time basis by a forest  
21 preserve district under Article 7, a county corrections  
22 officer, or a court services officer under Article 9, by  
23 filing a written election with the Board within 6 months after  
24 August 25, 2009 (the effective date of Public Act 96-745) and  
25 paying to the System an amount to be determined by the Board,  
26 equal to (i) the difference between the amount of employee and

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

7 Subject to the limitation in subsection (i), a State  
8 policeman, arson investigator, or Commerce Commission police  
9 officer may elect to establish eligible creditable service for  
10 up to 5 years of service as a person employed by a  
11 participating municipality to perform police duties under  
12 Article 7, a county corrections officer, a court services  
13 officer under Article 9, or a firefighter under Article 4 by  
14 filing a written election with the Board within 6 months after  
15 the effective date of this amendatory Act of the 102nd General  
16 Assembly 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 Sections 4-108.8, 7-139.8, and 9-121.10 and the amounts  
20 that would have been contributed had such contributions been  
21 made at the rates applicable to State policemen, plus (ii)  
22 interest thereon at the actuarially assumed rate for each  
23 year, compounded annually, from the date of service to the  
24 date of payment.

25 Notwithstanding the limitation in subsection (i), a State  
26 policeman may elect to convert service credit earned under

1 this Article to eligible creditable service, as defined by  
2 this Section, by filing a written election with the board  
3 within 6 months after the effective date of this amendatory  
4 Act of the 102nd General Assembly and paying to the System an  
5 amount to be determined by the Board equal to (i) the  
6 difference between the amount of employee contributions  
7 originally paid for that service and the amounts that would  
8 have been contributed had such contributions been made at the  
9 rates applicable to State policemen, plus (ii) the difference  
10 between the employer's normal cost of the credit prior to the  
11 conversion authorized by this amendatory Act of the 102nd  
12 General Assembly and the employer's normal cost of the credit  
13 converted in accordance with this amendatory Act of the 102nd  
14 General Assembly, plus (iii) interest thereon at the  
15 actuarially assumed rate for each year, compounded annually,  
16 from the date of service to the date of payment.

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

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



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

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

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

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

20 (1-5) Subject to the limitation in subsection (i) of this  
21 Section, a State policeman may elect to establish eligible  
22 creditable service for up to 5 years of service as a full-time  
23 law enforcement officer employed by the federal government or  
24 by a state or local government located outside of Illinois for  
25 which credit is not held in any other public employee pension  
26 fund or retirement system. To obtain this credit, the

1 applicant must file a written application with the Board no  
2 later than 3 years after the effective date of this amendatory  
3 Act of the 101st General Assembly, accompanied by evidence of  
4 eligibility acceptable to the Board and payment of an amount  
5 to be determined by the Board, equal to (1) employee  
6 contributions for the credit being established, based upon the  
7 applicant's salary on the first day as an alternative formula  
8 employee after the employment for which credit is being  
9 established and the rates then applicable to alternative  
10 formula employees, plus (2) an amount determined by the Board  
11 to be the employer's normal cost of the benefits accrued for  
12 the credit being established, plus (3) regular interest on the  
13 amounts in items (1) and (2) from the first day as an  
14 alternative formula employee after the employment for which  
15 credit is being established to the date of payment.

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

1 bachelor's or advanced degree from an accredited college or  
2 university or, in the case of persons who provide vocational  
3 training, who are required to have adequate knowledge in the  
4 skill for which they are providing the vocational training.

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

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

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

14 (Source: P.A. 100-19, eff. 1-1-18; 100-611, eff. 7-20-18;  
15 101-610, eff. 1-1-20.)

16 (40 ILCS 5/14-152.1)

17 Sec. 14-152.1. Application and expiration of new benefit  
18 increases.

19 (a) As used in this Section, "new benefit increase" means  
20 an increase in the amount of any benefit provided under this  
21 Article, or an expansion of the conditions of eligibility for  
22 any benefit under this Article, that results from an amendment  
23 to this Code that takes effect after June 1, 2005 (the  
24 effective date of Public Act 94-4). "New benefit increase",  
25 however, does not include any benefit increase resulting from

1 the changes made to Article 1 or this Article by Public Act  
2 96-37, Public Act 100-23, Public Act 100-587, Public Act  
3 100-611, Public Act 101-10, Public Act 101-610, or this  
4 amendatory Act of the 102nd General Assembly ~~or this~~  
5 ~~amendatory Act of the 101st General Assembly.~~

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

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

15 Every new benefit increase is contingent upon the General  
16 Assembly providing the additional funding required under this  
17 subsection. The Commission on Government Forecasting and  
18 Accountability shall analyze whether adequate additional  
19 funding has been provided for the new benefit increase and  
20 shall report its analysis to the Public Pension Division of  
21 the Department of Insurance. A new benefit increase created by  
22 a Public Act that does not include the additional funding  
23 required under this subsection is null and void. If the Public  
24 Pension Division determines that the additional funding  
25 provided for a new benefit increase under this subsection is  
26 or has become inadequate, it may so certify to the Governor and

1 the State Comptroller and, in the absence of corrective action  
2 by the General Assembly, the new benefit increase shall expire  
3 at the end of the fiscal year in which the certification is  
4 made.

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

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

21 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;  
22 100-611, eff. 7-20-18; 101-10, eff. 6-5-19; 101-81, eff.  
23 7-12-19; 101-610, eff. 1-1-20.)

24 Section 90. The State Mandates Act is amended by adding  
25 Section 8.45 as follows:

1 (30 ILCS 805/8.45 new)

2 Sec. 8.45. Exempt mandate. Notwithstanding Sections 6 and  
3 8 of this Act, no reimbursement by the State is required for  
4 the implementation of any mandate created by this amendatory  
5 Act of the 102nd General Assembly.

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.



1 INDEX

2 Statutes amended in order of appearance

3 40 ILCS 5/4-108.8 new

4 40 ILCS 5/7-139.8 from Ch. 108 1/2, par. 7-139.8

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

6 40 ILCS 5/14-152.1

7 30 ILCS 805/8.45 new