



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3342

Introduced 2/17/2023, by Rep. Kelly M. Burke

SYNOPSIS AS INTRODUCED:

40 ILCS 5/5-214

from Ch. 108 1/2, par. 5-214

30 ILCS 805/8.47 new

Amends the Chicago Police Article of the Illinois Pension Code. Provides that certain participants are entitled to credit for service while on leave of absence from the police department of the city and assigned or detailed to perform in a sworn law enforcement capacity for: (1) the County of Cook, the State of Illinois, or the federal government (instead of assigned or detailed to perform safety or investigative work as an employee for the County of Cook, the State of Illinois, or the federal government); or (2) the department (instead of investigative work for the department while employed as a civilian employee of the police department of the city). Provides that the changes requiring an applicant for credit for other service to have been performing in a sworn law enforcement capacity are operative beginning January 1, 2024. Makes a conforming change. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB103 30982 RPS 57577 b

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 Section 5-214 as follows:

6 (40 ILCS 5/5-214) (from Ch. 108 1/2, par. 5-214)

7 Sec. 5-214. Credit for other service. Any participant in
8 this fund (other than a member of the fire department of the
9 city) who has rendered service as a member of the police
10 department of the city for a period of 3 years or more is
11 entitled to credit for the various purposes of this Article
12 for service rendered prior to becoming a member or subsequent
13 thereto for the following periods:

14 (a) While on leave of absence from the police
15 department assigned or detailed to investigative,
16 protective, security or police work for the park district
17 of the city, the department of the Port of Chicago or the
18 sanitary district in which the city is located.

19 (b) As a temporary police officer in the city or while
20 serving in the office of the mayor or in the office of the
21 corporation counsel, as a member of the city council of
22 the city, as an employee of the Policemen's Annuity and
23 Benefit Fund created by this Article, as the head of an

1 organization whose membership consists of members of the
2 police department, the Public Vehicle License Commission
3 and the board of election commissioners of the city,
4 provided that, in each of these cases and for all periods
5 specified in this item (b), including those beginning
6 before the effective date of this amendatory Act of the
7 97th General Assembly, the police officer is on leave and
8 continues to remain in sworn status, subject to the
9 professional standards of the public employer or those
10 terms established in statute.

11 (c) While on leave of absence from the police
12 department of the city and assigned or detailed to perform
13 in a sworn law enforcement capacity for: (1) ~~safety or~~
14 ~~investigative work as an employee for~~ the County of Cook,
15 the State of Illinois, or the federal government; or (2)
16 ~~investigative work for~~ the department ~~while employed as a~~
17 ~~civilian employee of the police department of the city.~~
18 Notwithstanding any other provision of law, the board may
19 reconsider an application for credit for service for any
20 active policeman assigned or detailed to perform safety or
21 investigative work as an employee for the County of Cook,
22 if such application was submitted after January 1, 1992
23 and before April 1, 2008 and was denied and the
24 application for reconsideration is made by December 21,
25 2022.

26 The changes made to this item (c) by this amendatory

1 Act of the 103rd General Assembly requiring an applicant
2 to have been performing in a sworn law enforcement
3 capacity are operative beginning January 1, 2024.

4 The changes made to this item (c) by this amendatory
5 Act of the 102nd General Assembly requiring an applicant
6 to have been on a leave of absence from the police
7 department of the city in order to obtain the requested
8 service credit while assigned or detailed to perform
9 safety or investigative work as an employee for the County
10 of Cook or assigned or detailed to perform investigative
11 work for the department while employed as a civilian
12 employee of the police department of the city are
13 operative beginning January 1, 2023 and until January 1,
14 2024.

15 ~~In this item (c), "investigative work" requires a~~
16 ~~systematic inquiry into the obtainment and examination of~~
17 ~~facts and evidence and does not include the simple~~
18 ~~gathering of information.~~

19 (d) While on leave of absence from the police
20 department of the city and serving as the chief of police
21 of a police department outside the city.

22 No credit shall be granted in this fund, however, for this
23 service if (1) the policeman has credit therefor in any other
24 annuity and benefit fund or (2) the policeman has not, within 5
25 years after the date his application has been approved, but
26 prior to his date of retirement, contributed to this fund the

1 amount he would have contributed with interest had he remained
2 an active member of the police department in the position he
3 occupied as a result of a civil service competitive
4 examination, certification and appointment by the Civil
5 Service Board; or in the case of a city operating under the
6 provisions of a personnel ordinance the position he occupied
7 as a result of a personnel ordinance competitive examination
8 certification and appointment under the authority of a
9 Municipal Personnel ordinance.

10 Concurrently with such contributions, the city shall
11 contribute the amounts provided by this Article. No credit
12 shall be allowed for any period of time for which
13 contributions by the policeman have not been paid. It is the
14 sole responsibility of the policeman to ensure that all sums
15 contributed by the policeman have been received by the fund
16 for the service credit for which the policeman has applied.
17 The period of service rendered by such policeman prior to the
18 date he became a member of the police department of the city or
19 while detailed, assigned or on leave of absence and employed
20 in any of the departments set forth hereinabove in this
21 Section for which such policeman has contributed to this fund
22 shall be credited to him as service for all the purposes of
23 this Article, except that he shall not have any of the rights
24 conferred by the provisions of Sections 5-127 and 5-162 of
25 this Article.

26 The changes in this Section made by Public Act 86-273

1 shall apply to members of the fund who have not begun receiving
2 a pension under this Article on August 23, 1989, without
3 regard to whether employment is terminated before that date.

4 (Source: P.A. 102-125, eff. 7-23-21.)

5 Section 90. The State Mandates Act is amended by adding
6 Section 8.47 as follows:

7 (30 ILCS 805/8.47 new)

8 Sec. 8.47. Exempt mandate. Notwithstanding Sections 6 and
9 8 of this Act, no reimbursement by the State is required for
10 the implementation of any mandate created by this amendatory
11 Act of the 103rd General Assembly.

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.