



Rep. Stephanie A. Kifowit

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10300HB3765ham002

LRB103 31021 RPS 72282 a

1 AMENDMENT TO HOUSE BILL 3765

2 AMENDMENT NO. _____. Amend House Bill 3765 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by
5 changing Sections 1-160, 14-110, 14-152.1, and 17-114 and by
6 adding Sections 1-168, 3-144.3, 4-138.15, 5-240, and 6-232 as
7 follows:

8 (40 ILCS 5/1-160)

9 (Text of Section from P.A. 102-719)

10 Sec. 1-160. Provisions applicable to new hires.

11 (a) The provisions of this Section apply to a person who,
12 on or after January 1, 2011, first becomes a member or a
13 participant under any reciprocal retirement system or pension
14 fund established under this Code, other than a retirement
15 system or pension fund established under Article 2, 3, 4, 5, 6,
16 7, 15, or 18 of this Code, notwithstanding any other provision

1 of this Code to the contrary, but do not apply to any
2 self-managed plan established under this Code or to any
3 participant of the retirement plan established under Section
4 22-101; except that this Section applies to a person who
5 elected to establish alternative credits by electing in
6 writing after January 1, 2011, but before August 8, 2011,
7 under Section 7-145.1 of this Code. Notwithstanding anything
8 to the contrary in this Section, for purposes of this Section,
9 a person who is a Tier 1 regular employee as defined in Section
10 7-109.4 of this Code or who participated in a retirement
11 system under Article 15 prior to January 1, 2011 shall be
12 deemed a person who first became a member or participant prior
13 to January 1, 2011 under any retirement system or pension fund
14 subject to this Section. The changes made to this Section by
15 Public Act 98-596 are a clarification of existing law and are
16 intended to be retroactive to January 1, 2011 (the effective
17 date of Public Act 96-889), notwithstanding the provisions of
18 Section 1-103.1 of this Code.

19 This Section does not apply to a person who first becomes a
20 noncovered employee under Article 14 on or after the
21 implementation date of the plan created under Section 1-161
22 for that Article, unless that person elects under subsection
23 (b) of Section 1-161 to instead receive the benefits provided
24 under this Section and the applicable provisions of that
25 Article.

26 This Section does not apply to a person who first becomes a

1 member or participant under Article 16 on or after the
2 implementation date of the plan created under Section 1-161
3 for that Article, unless that person elects under subsection
4 (b) of Section 1-161 to instead receive the benefits provided
5 under this Section and the applicable provisions of that
6 Article.

7 This Section does not apply to a person who elects under
8 subsection (c-5) of Section 1-161 to receive the benefits
9 under Section 1-161.

10 This Section does not apply to a person who first becomes a
11 member or participant of an affected pension fund on or after 6
12 months after the resolution or ordinance date, as defined in
13 Section 1-162, unless that person elects under subsection (c)
14 of Section 1-162 to receive the benefits provided under this
15 Section and the applicable provisions of the Article under
16 which he or she is a member or participant.

17 (b) "Final average salary" means, except as otherwise
18 provided in this subsection, the average monthly (or annual)
19 salary obtained by dividing the total salary or earnings
20 calculated under the Article applicable to the member or
21 participant during the 96 consecutive months (or 8 consecutive
22 years) of service within the last 120 months (or 10 years) of
23 service in which the total salary or earnings calculated under
24 the applicable Article was the highest by the number of months
25 (or years) of service in that period. For the purposes of a
26 person who first becomes a member or participant of any

1 retirement system or pension fund to which this Section
2 applies on or after January 1, 2011, in this Code, "final
3 average salary" shall be substituted for the following:

4 (1) (Blank).

5 (2) In Articles 8, 9, 10, 11, and 12, "highest average
6 annual salary for any 4 consecutive years within the last
7 10 years of service immediately preceding the date of
8 withdrawal".

9 (3) In Article 13, "average final salary".

10 (4) In Article 14, "final average compensation".

11 (5) In Article 17, "average salary".

12 (6) In Section 22-207, "wages or salary received by
13 him at the date of retirement or discharge".

14 A member of the Teachers' Retirement System of the State
15 of Illinois who retires on or after June 1, 2021 and for whom
16 the 2020-2021 school year is used in the calculation of the
17 member's final average salary shall use the higher of the
18 following for the purpose of determining the member's final
19 average salary:

20 (A) the amount otherwise calculated under the first
21 paragraph of this subsection; or

22 (B) an amount calculated by the Teachers' Retirement
23 System of the State of Illinois using the average of the
24 monthly (or annual) salary obtained by dividing the total
25 salary or earnings calculated under Article 16 applicable
26 to the member or participant during the 96 months (or 8

1 years) of service within the last 120 months (or 10 years)
2 of service in which the total salary or earnings
3 calculated under the Article was the highest by the number
4 of months (or years) of service in that period.

5 (b-5) Beginning on January 1, 2011, for all purposes under
6 this Code (including without limitation the calculation of
7 benefits and employee contributions), the annual earnings,
8 salary, or wages (based on the plan year) of a member or
9 participant to whom this Section applies shall not exceed
10 \$106,800; however, that amount shall annually thereafter be
11 increased by the lesser of (i) 3% of that amount, including all
12 previous adjustments, or (ii) one-half the annual unadjusted
13 percentage increase (but not less than zero) in the consumer
14 price index-u for the 12 months ending with the September
15 preceding each November 1, including all previous adjustments.

16 For the purposes of this Section, "consumer price index-u"
17 means the index published by the Bureau of Labor Statistics of
18 the United States Department of Labor that measures the
19 average change in prices of goods and services purchased by
20 all urban consumers, United States city average, all items,
21 1982-84 = 100. The new amount resulting from each annual
22 adjustment shall be determined by the Public Pension Division
23 of the Department of Insurance and made available to the
24 boards of the retirement systems and pension funds by November
25 1 of each year.

26 (b-10) Beginning on January 1, 2024, for all purposes

1 under this Code (including, without limitation, the
2 calculation of benefits and employee contributions), the
3 annual earnings, salary, or wages (based on the plan year) of a
4 member or participant under Article 9 to whom this Section
5 applies shall include an annual earnings, salary, or wage cap
6 that tracks the Social Security wage base. Maximum annual
7 earnings, wages, or salary shall be the annual contribution
8 and benefit base established for the applicable year by the
9 Commissioner of the Social Security Administration under the
10 federal Social Security Act.

11 However, in no event shall the annual earnings, salary, or
12 wages for the purposes of this Article and Article 9 exceed any
13 limitation imposed on annual earnings, salary, or wages under
14 Section 1-117. Under no circumstances shall the maximum amount
15 of annual earnings, salary, or wages be greater than the
16 amount set forth in this subsection (b-10) as a result of
17 reciprocal service or any provisions regarding reciprocal
18 services, nor shall the Fund under Article 9 be required to pay
19 any refund as a result of the application of this maximum
20 annual earnings, salary, and wage cap.

21 Nothing in this subsection (b-10) shall cause or otherwise
22 result in any retroactive adjustment of any employee
23 contributions. Nothing in this subsection (b-10) shall cause
24 or otherwise result in any retroactive adjustment of
25 disability or other payments made between January 1, 2011 and
26 January 1, 2024.

1 (c) A member or participant is entitled to a retirement
2 annuity upon written application if he or she has attained age
3 67 (age 65, with respect to service under Article 12 that is
4 subject to this Section, for a member or participant under
5 Article 12 who first becomes a member or participant under
6 Article 12 on or after January 1, 2022 or who makes the
7 election under item (i) of subsection (d-15) of this Section)
8 and has at least 10 years of service credit and is otherwise
9 eligible under the requirements of the applicable Article.

10 A member or participant who has attained age 62 (age 60,
11 with respect to service under Article 12 that is subject to
12 this Section, for a member or participant under Article 12 who
13 first becomes a member or participant under Article 12 on or
14 after January 1, 2022 or who makes the election under item (i)
15 of subsection (d-15) of this Section) and has at least 10 years
16 of service credit and is otherwise eligible under the
17 requirements of the applicable Article may elect to receive
18 the lower retirement annuity provided in subsection (d) of
19 this Section.

20 (c-5) A person who first becomes a member or a participant
21 subject to this Section on or after July 6, 2017 (the effective
22 date of Public Act 100-23), notwithstanding any other
23 provision of this Code to the contrary, is entitled to a
24 retirement annuity under Article 8 or Article 11 upon written
25 application if he or she has attained age 65 and has at least
26 10 years of service credit and is otherwise eligible under the

1 requirements of Article 8 or Article 11 of this Code,
2 whichever is applicable.

3 (d) The retirement annuity of a member or participant who
4 is retiring after attaining age 62 (age 60, with respect to
5 service under Article 12 that is subject to this Section, for a
6 member or participant under Article 12 who first becomes a
7 member or participant under Article 12 on or after January 1,
8 2022 or who makes the election under item (i) of subsection
9 (d-15) of this Section) with at least 10 years of service
10 credit shall be reduced by one-half of 1% for each full month
11 that the member's age is under age 67 (age 65, with respect to
12 service under Article 12 that is subject to this Section, for a
13 member or participant under Article 12 who first becomes a
14 member or participant under Article 12 on or after January 1,
15 2022 or who makes the election under item (i) of subsection
16 (d-15) of this Section).

17 (d-5) The retirement annuity payable under Article 8 or
18 Article 11 to an eligible person subject to subsection (c-5)
19 of this Section who is retiring at age 60 with at least 10
20 years of service credit shall be reduced by one-half of 1% for
21 each full month that the member's age is under age 65.

22 (d-10) Each person who first became a member or
23 participant under Article 8 or Article 11 of this Code on or
24 after January 1, 2011 and prior to July 6, 2017 (the effective
25 date of Public Act 100-23) shall make an irrevocable election
26 either:

1 (i) to be eligible for the reduced retirement age
2 provided in subsections (c-5) and (d-5) of this Section,
3 the eligibility for which is conditioned upon the member
4 or participant agreeing to the increases in employee
5 contributions for age and service annuities provided in
6 subsection (a-5) of Section 8-174 of this Code (for
7 service under Article 8) or subsection (a-5) of Section
8 11-170 of this Code (for service under Article 11); or

9 (ii) to not agree to item (i) of this subsection
10 (d-10), in which case the member or participant shall
11 continue to be subject to the retirement age provisions in
12 subsections (c) and (d) of this Section and the employee
13 contributions for age and service annuity as provided in
14 subsection (a) of Section 8-174 of this Code (for service
15 under Article 8) or subsection (a) of Section 11-170 of
16 this Code (for service under Article 11).

17 The election provided for in this subsection shall be made
18 between October 1, 2017 and November 15, 2017. A person
19 subject to this subsection who makes the required election
20 shall remain bound by that election. A person subject to this
21 subsection who fails for any reason to make the required
22 election within the time specified in this subsection shall be
23 deemed to have made the election under item (ii).

24 (d-15) Each person who first becomes a member or
25 participant under Article 12 on or after January 1, 2011 and
26 prior to January 1, 2022 shall make an irrevocable election

1 either:

2 (i) to be eligible for the reduced retirement age
3 specified in subsections (c) and (d) of this Section, the
4 eligibility for which is conditioned upon the member or
5 participant agreeing to the increase in employee
6 contributions for service annuities specified in
7 subsection (b) of Section 12-150; or

8 (ii) to not agree to item (i) of this subsection
9 (d-15), in which case the member or participant shall not
10 be eligible for the reduced retirement age specified in
11 subsections (c) and (d) of this Section and shall not be
12 subject to the increase in employee contributions for
13 service annuities specified in subsection (b) of Section
14 12-150.

15 The election provided for in this subsection shall be made
16 between January 1, 2022 and April 1, 2022. A person subject to
17 this subsection who makes the required election shall remain
18 bound by that election. A person subject to this subsection
19 who fails for any reason to make the required election within
20 the time specified in this subsection shall be deemed to have
21 made the election under item (ii).

22 (e) Any retirement annuity or supplemental annuity shall
23 be subject to annual increases on the January 1 occurring
24 either on or after the attainment of age 67 (age 65, with
25 respect to service under Article 12 that is subject to this
26 Section, for a member or participant under Article 12 who

1 first becomes a member or participant under Article 12 on or
2 after January 1, 2022 or who makes the election under item (i)
3 of subsection (d-15); and beginning on July 6, 2017 (the
4 effective date of Public Act 100-23), age 65 with respect to
5 service under Article 8 or Article 11 for eligible persons
6 who: (i) are subject to subsection (c-5) of this Section; or
7 (ii) made the election under item (i) of subsection (d-10) of
8 this Section) or the first anniversary of the annuity start
9 date, whichever is later. Each annual increase shall be
10 calculated at 3% or one-half the annual unadjusted percentage
11 increase (but not less than zero) in the consumer price
12 index-u for the 12 months ending with the September preceding
13 each November 1, whichever is less, of the originally granted
14 retirement annuity. If the annual unadjusted percentage change
15 in the consumer price index-u for the 12 months ending with the
16 September preceding each November 1 is zero or there is a
17 decrease, then the annuity shall not be increased.

18 For the purposes of Section 1-103.1 of this Code, the
19 changes made to this Section by Public Act 102-263 are
20 applicable without regard to whether the employee was in
21 active service on or after August 6, 2021 (the effective date
22 of Public Act 102-263).

23 For the purposes of Section 1-103.1 of this Code, the
24 changes made to this Section by Public Act 100-23 are
25 applicable without regard to whether the employee was in
26 active service on or after July 6, 2017 (the effective date of

1 Public Act 100-23).

2 (f) The initial survivor's or widow's annuity of an
3 otherwise eligible survivor or widow of a retired member or
4 participant who first became a member or participant on or
5 after January 1, 2011 shall be in the amount of 66 2/3% of the
6 retired member's or participant's retirement annuity at the
7 date of death. In the case of the death of a member or
8 participant who has not retired and who first became a member
9 or participant on or after January 1, 2011, eligibility for a
10 survivor's or widow's annuity shall be determined by the
11 applicable Article of this Code. The initial benefit shall be
12 66 2/3% of the earned annuity without a reduction due to age. A
13 child's annuity of an otherwise eligible child shall be in the
14 amount prescribed under each Article if applicable. Any
15 survivor's or widow's annuity shall be increased (1) on each
16 January 1 occurring on or after the commencement of the
17 annuity if the deceased member died while receiving a
18 retirement annuity or (2) in other cases, on each January 1
19 occurring after the first anniversary of the commencement of
20 the annuity. Each annual increase shall be calculated at 3% or
21 one-half the annual unadjusted percentage increase (but not
22 less than zero) in the consumer price index-u for the 12 months
23 ending with the September preceding each November 1, whichever
24 is less, of the originally granted survivor's annuity. If the
25 annual unadjusted percentage change in the consumer price
26 index-u for the 12 months ending with the September preceding

1 each November 1 is zero or there is a decrease, then the
2 annuity shall not be increased.

3 (g) The benefits in Section 14-110 apply if the person is a
4 fire fighter in the fire protection service of a department, a
5 security employee of the Department of Corrections or the
6 Department of Juvenile Justice, or a security employee of the
7 Department of Innovation and Technology, as those terms are
8 defined in subsection (b) and subsection (c) of Section
9 14-110. A person who meets the requirements of this Section is
10 entitled to an annuity calculated under the provisions of
11 Section 14-110, in lieu of the regular or minimum retirement
12 annuity, only if the person has withdrawn from service with
13 not less than 20 years of eligible creditable service and has
14 attained age 60, regardless of whether the attainment of age
15 60 occurs while the person is still in service.

16 (g-1) The benefits in Section 14-110 apply if the person
17 is an investigator for the Department of the Lottery, as that
18 term is defined in subsection (b) and subsection (c) of
19 Section 14-110. A person who meets the requirements of this
20 Section is entitled to an annuity calculated under the
21 provisions of Section 14-110, in lieu of the regular or
22 minimum retirement annuity, only if the person has withdrawn
23 from service with not less than 20 years of eligible
24 creditable service and has attained age 55, regardless of
25 whether the attainment of age 55 occurs while the person is
26 still in service.

1 (g-5) The benefits in Section 14-110 apply if the person
2 is a State policeman, investigator for the Secretary of State,
3 conservation police officer, investigator for the Department
4 of Revenue or the Illinois Gaming Board, investigator for the
5 Office of the Attorney General, Commerce Commission police
6 officer, or arson investigator, as those terms are defined in
7 subsection (b) and subsection (c) of Section 14-110. A person
8 who meets the requirements of this Section is entitled to an
9 annuity calculated under the provisions of Section 14-110, in
10 lieu of the regular or minimum retirement annuity, only if the
11 person has withdrawn from service with not less than 20 years
12 of eligible creditable service and has attained age 55,
13 regardless of whether the attainment of age 55 occurs while
14 the person is still in service.

15 (h) If a person who first becomes a member or a participant
16 of a retirement system or pension fund subject to this Section
17 on or after January 1, 2011 is receiving a retirement annuity
18 or retirement pension under that system or fund and becomes a
19 member or participant under any other system or fund created
20 by this Code and is employed on a full-time basis, except for
21 those members or participants exempted from the provisions of
22 this Section under subsection (a) of this Section, then the
23 person's retirement annuity or retirement pension under that
24 system or fund shall be suspended during that employment. Upon
25 termination of that employment, the person's retirement
26 annuity or retirement pension payments shall resume and be

1 recalculated if recalculation is provided for under the
2 applicable Article of this Code.

3 If a person who first becomes a member of a retirement
4 system or pension fund subject to this Section on or after
5 January 1, 2012 and is receiving a retirement annuity or
6 retirement pension under that system or fund and accepts on a
7 contractual basis a position to provide services to a
8 governmental entity from which he or she has retired, then
9 that person's annuity or retirement pension earned as an
10 active employee of the employer shall be suspended during that
11 contractual service. A person receiving an annuity or
12 retirement pension under this Code shall notify the pension
13 fund or retirement system from which he or she is receiving an
14 annuity or retirement pension, as well as his or her
15 contractual employer, of his or her retirement status before
16 accepting contractual employment. A person who fails to submit
17 such notification shall be guilty of a Class A misdemeanor and
18 required to pay a fine of \$1,000. Upon termination of that
19 contractual employment, the person's retirement annuity or
20 retirement pension payments shall resume and, if appropriate,
21 be recalculated under the applicable provisions of this Code.

22 (i) (Blank).

23 (j) In the case of a conflict between the provisions of
24 this Section and any other provision of this Code, the
25 provisions of this Section shall control.

26 (Source: P.A. 101-610, eff. 1-1-20; 102-16, eff. 6-17-21;

1 102-210, eff. 1-1-22; 102-263, eff. 8-6-21; 102-719, eff.
2 5-6-22.)

3 (Text of Section from P.A. 102-813)

4 Sec. 1-160. Provisions applicable to new hires.

5 (a) The provisions of this Section apply to a person who,
6 on or after January 1, 2011, first becomes a member or a
7 participant under any reciprocal retirement system or pension
8 fund established under this Code, other than a retirement
9 system or pension fund established under Article 2, 3, 4, 5, 6,
10 7, 15, or 18 of this Code, notwithstanding any other provision
11 of this Code to the contrary, but do not apply to any
12 self-managed plan established under this Code or to any
13 participant of the retirement plan established under Section
14 22-101; except that this Section applies to a person who
15 elected to establish alternative credits by electing in
16 writing after January 1, 2011, but before August 8, 2011,
17 under Section 7-145.1 of this Code. Notwithstanding anything
18 to the contrary in this Section, for purposes of this Section,
19 a person who is a Tier 1 regular employee as defined in Section
20 7-109.4 of this Code or who participated in a retirement
21 system under Article 15 prior to January 1, 2011 shall be
22 deemed a person who first became a member or participant prior
23 to January 1, 2011 under any retirement system or pension fund
24 subject to this Section. The changes made to this Section by
25 Public Act 98-596 are a clarification of existing law and are

1 intended to be retroactive to January 1, 2011 (the effective
2 date of Public Act 96-889), notwithstanding the provisions of
3 Section 1-103.1 of this Code.

4 This Section does not apply to a person who first becomes a
5 noncovered employee under Article 14 on or after the
6 implementation date of the plan created under Section 1-161
7 for that Article, unless that person elects under subsection
8 (b) of Section 1-161 to instead receive the benefits provided
9 under this Section and the applicable provisions of that
10 Article.

11 This Section does not apply to a person who first becomes a
12 member or participant under Article 16 on or after the
13 implementation date of the plan created under Section 1-161
14 for that Article, unless that person elects under subsection
15 (b) of Section 1-161 to instead receive the benefits provided
16 under this Section and the applicable provisions of that
17 Article.

18 This Section does not apply to a person who elects under
19 subsection (c-5) of Section 1-161 to receive the benefits
20 under Section 1-161.

21 This Section does not apply to a person who first becomes a
22 member or participant of an affected pension fund on or after 6
23 months after the resolution or ordinance date, as defined in
24 Section 1-162, unless that person elects under subsection (c)
25 of Section 1-162 to receive the benefits provided under this
26 Section and the applicable provisions of the Article under

1 which he or she is a member or participant.

2 (b) "Final average salary" means, except as otherwise
3 provided in this subsection, the average monthly (or annual)
4 salary obtained by dividing the total salary or earnings
5 calculated under the Article applicable to the member or
6 participant during the 96 consecutive months (or 8 consecutive
7 years) of service within the last 120 months (or 10 years) of
8 service in which the total salary or earnings calculated under
9 the applicable Article was the highest by the number of months
10 (or years) of service in that period. For the purposes of a
11 person who first becomes a member or participant of any
12 retirement system or pension fund to which this Section
13 applies on or after January 1, 2011, in this Code, "final
14 average salary" shall be substituted for the following:

15 (1) (Blank).

16 (2) In Articles 8, 9, 10, 11, and 12, "highest average
17 annual salary for any 4 consecutive years within the last
18 10 years of service immediately preceding the date of
19 withdrawal".

20 (3) In Article 13, "average final salary".

21 (4) In Article 14, "final average compensation".

22 (5) In Article 17, "average salary".

23 (6) In Section 22-207, "wages or salary received by
24 him at the date of retirement or discharge".

25 A member of the Teachers' Retirement System of the State
26 of Illinois who retires on or after June 1, 2021 and for whom

1 the 2020-2021 school year is used in the calculation of the
2 member's final average salary shall use the higher of the
3 following for the purpose of determining the member's final
4 average salary:

5 (A) the amount otherwise calculated under the first
6 paragraph of this subsection; or

7 (B) an amount calculated by the Teachers' Retirement
8 System of the State of Illinois using the average of the
9 monthly (or annual) salary obtained by dividing the total
10 salary or earnings calculated under Article 16 applicable
11 to the member or participant during the 96 months (or 8
12 years) of service within the last 120 months (or 10 years)
13 of service in which the total salary or earnings
14 calculated under the Article was the highest by the number
15 of months (or years) of service in that period.

16 (b-5) Beginning on January 1, 2011, for all purposes under
17 this Code (including without limitation the calculation of
18 benefits and employee contributions), the annual earnings,
19 salary, or wages (based on the plan year) of a member or
20 participant to whom this Section applies shall not exceed
21 \$106,800; however, that amount shall annually thereafter be
22 increased by the lesser of (i) 3% of that amount, including all
23 previous adjustments, or (ii) one-half the annual unadjusted
24 percentage increase (but not less than zero) in the consumer
25 price index-u for the 12 months ending with the September
26 preceding each November 1, including all previous adjustments.

1 For the purposes of this Section, "consumer price index-u"
2 means the index published by the Bureau of Labor Statistics of
3 the United States Department of Labor that measures the
4 average change in prices of goods and services purchased by
5 all urban consumers, United States city average, all items,
6 1982-84 = 100. The new amount resulting from each annual
7 adjustment shall be determined by the Public Pension Division
8 of the Department of Insurance and made available to the
9 boards of the retirement systems and pension funds by November
10 1 of each year.

11 (b-10) Beginning on January 1, 2024, for all purposes
12 under this Code (including, without limitation, the
13 calculation of benefits and employee contributions), the
14 annual earnings, salary, or wages (based on the plan year) of a
15 member or participant under Article 9 to whom this Section
16 applies shall include an annual earnings, salary, or wage cap
17 that tracks the Social Security wage base. Maximum annual
18 earnings, wages, or salary shall be the annual contribution
19 and benefit base established for the applicable year by the
20 Commissioner of the Social Security Administration under the
21 federal Social Security Act.

22 However, in no event shall the annual earnings, salary, or
23 wages for the purposes of this Article and Article 9 exceed any
24 limitation imposed on annual earnings, salary, or wages under
25 Section 1-117. Under no circumstances shall the maximum amount
26 of annual earnings, salary, or wages be greater than the

1 amount set forth in this subsection (b-10) as a result of
2 reciprocal service or any provisions regarding reciprocal
3 services, nor shall the Fund under Article 9 be required to pay
4 any refund as a result of the application of this maximum
5 annual earnings, salary, and wage cap.

6 Nothing in this subsection (b-10) shall cause or otherwise
7 result in any retroactive adjustment of any employee
8 contributions. Nothing in this subsection (b-10) shall cause
9 or otherwise result in any retroactive adjustment of
10 disability or other payments made between January 1, 2011 and
11 January 1, 2024.

12 (c) A member or participant is entitled to a retirement
13 annuity upon written application if he or she has attained age
14 67 (age 65, with respect to service under Article 12 that is
15 subject to this Section, for a member or participant under
16 Article 12 who first becomes a member or participant under
17 Article 12 on or after January 1, 2022 or who makes the
18 election under item (i) of subsection (d-15) of this Section)
19 and has at least 10 years of service credit and is otherwise
20 eligible under the requirements of the applicable Article.

21 A member or participant who has attained age 62 (age 60,
22 with respect to service under Article 12 that is subject to
23 this Section, for a member or participant under Article 12 who
24 first becomes a member or participant under Article 12 on or
25 after January 1, 2022 or who makes the election under item (i)
26 of subsection (d-15) of this Section) and has at least 10 years

1 of service credit and is otherwise eligible under the
2 requirements of the applicable Article may elect to receive
3 the lower retirement annuity provided in subsection (d) of
4 this Section.

5 (c-5) A person who first becomes a member or a participant
6 subject to this Section on or after July 6, 2017 (the effective
7 date of Public Act 100-23), notwithstanding any other
8 provision of this Code to the contrary, is entitled to a
9 retirement annuity under Article 8 or Article 11 upon written
10 application if he or she has attained age 65 and has at least
11 10 years of service credit and is otherwise eligible under the
12 requirements of Article 8 or Article 11 of this Code,
13 whichever is applicable.

14 (d) The retirement annuity of a member or participant who
15 is retiring after attaining age 62 (age 60, with respect to
16 service under Article 12 that is subject to this Section, for a
17 member or participant under Article 12 who first becomes a
18 member or participant under Article 12 on or after January 1,
19 2022 or who makes the election under item (i) of subsection
20 (d-15) of this Section) with at least 10 years of service
21 credit shall be reduced by one-half of 1% for each full month
22 that the member's age is under age 67 (age 65, with respect to
23 service under Article 12 that is subject to this Section, for a
24 member or participant under Article 12 who first becomes a
25 member or participant under Article 12 on or after January 1,
26 2022 or who makes the election under item (i) of subsection

1 (d-15) of this Section).

2 (d-5) The retirement annuity payable under Article 8 or
3 Article 11 to an eligible person subject to subsection (c-5)
4 of this Section who is retiring at age 60 with at least 10
5 years of service credit shall be reduced by one-half of 1% for
6 each full month that the member's age is under age 65.

7 (d-10) Each person who first became a member or
8 participant under Article 8 or Article 11 of this Code on or
9 after January 1, 2011 and prior to July 6, 2017 (the effective
10 date of Public Act 100-23) shall make an irrevocable election
11 either:

12 (i) to be eligible for the reduced retirement age
13 provided in subsections (c-5) and (d-5) of this Section,
14 the eligibility for which is conditioned upon the member
15 or participant agreeing to the increases in employee
16 contributions for age and service annuities provided in
17 subsection (a-5) of Section 8-174 of this Code (for
18 service under Article 8) or subsection (a-5) of Section
19 11-170 of this Code (for service under Article 11); or

20 (ii) to not agree to item (i) of this subsection
21 (d-10), in which case the member or participant shall
22 continue to be subject to the retirement age provisions in
23 subsections (c) and (d) of this Section and the employee
24 contributions for age and service annuity as provided in
25 subsection (a) of Section 8-174 of this Code (for service
26 under Article 8) or subsection (a) of Section 11-170 of

1 this Code (for service under Article 11).

2 The election provided for in this subsection shall be made
3 between October 1, 2017 and November 15, 2017. A person
4 subject to this subsection who makes the required election
5 shall remain bound by that election. A person subject to this
6 subsection who fails for any reason to make the required
7 election within the time specified in this subsection shall be
8 deemed to have made the election under item (ii).

9 (d-15) Each person who first becomes a member or
10 participant under Article 12 on or after January 1, 2011 and
11 prior to January 1, 2022 shall make an irrevocable election
12 either:

13 (i) to be eligible for the reduced retirement age
14 specified in subsections (c) and (d) of this Section, the
15 eligibility for which is conditioned upon the member or
16 participant agreeing to the increase in employee
17 contributions for service annuities specified in
18 subsection (b) of Section 12-150; or

19 (ii) to not agree to item (i) of this subsection
20 (d-15), in which case the member or participant shall not
21 be eligible for the reduced retirement age specified in
22 subsections (c) and (d) of this Section and shall not be
23 subject to the increase in employee contributions for
24 service annuities specified in subsection (b) of Section
25 12-150.

26 The election provided for in this subsection shall be made

1 between January 1, 2022 and April 1, 2022. A person subject to
2 this subsection who makes the required election shall remain
3 bound by that election. A person subject to this subsection
4 who fails for any reason to make the required election within
5 the time specified in this subsection shall be deemed to have
6 made the election under item (ii).

7 (e) Any retirement annuity or supplemental annuity shall
8 be subject to annual increases on the January 1 occurring
9 either on or after the attainment of age 67 (age 65, with
10 respect to service under Article 12 that is subject to this
11 Section, for a member or participant under Article 12 who
12 first becomes a member or participant under Article 12 on or
13 after January 1, 2022 or who makes the election under item (i)
14 of subsection (d-15); and beginning on July 6, 2017 (the
15 effective date of Public Act 100-23), age 65 with respect to
16 service under Article 8 or Article 11 for eligible persons
17 who: (i) are subject to subsection (c-5) of this Section; or
18 (ii) made the election under item (i) of subsection (d-10) of
19 this Section) or the first anniversary of the annuity start
20 date, whichever is later. Each annual increase shall be
21 calculated at 3% or one-half the annual unadjusted percentage
22 increase (but not less than zero) in the consumer price
23 index-u for the 12 months ending with the September preceding
24 each November 1, whichever is less, of the originally granted
25 retirement annuity. If the annual unadjusted percentage change
26 in the consumer price index-u for the 12 months ending with the

1 September preceding each November 1 is zero or there is a
2 decrease, then the annuity shall not be increased.

3 For the purposes of Section 1-103.1 of this Code, the
4 changes made to this Section by Public Act 102-263 are
5 applicable without regard to whether the employee was in
6 active service on or after August 6, 2021 (the effective date
7 of Public Act 102-263).

8 For the purposes of Section 1-103.1 of this Code, the
9 changes made to this Section by Public Act 100-23 are
10 applicable without regard to whether the employee was in
11 active service on or after July 6, 2017 (the effective date of
12 Public Act 100-23).

13 (f) The initial survivor's or widow's annuity of an
14 otherwise eligible survivor or widow of a retired member or
15 participant who first became a member or participant on or
16 after January 1, 2011 shall be in the amount of 66 2/3% of the
17 retired member's or participant's retirement annuity at the
18 date of death. In the case of the death of a member or
19 participant who has not retired and who first became a member
20 or participant on or after January 1, 2011, eligibility for a
21 survivor's or widow's annuity shall be determined by the
22 applicable Article of this Code. The initial benefit shall be
23 66 2/3% of the earned annuity without a reduction due to age. A
24 child's annuity of an otherwise eligible child shall be in the
25 amount prescribed under each Article if applicable. Any
26 survivor's or widow's annuity shall be increased (1) on each

1 January 1 occurring on or after the commencement of the
2 annuity if the deceased member died while receiving a
3 retirement annuity or (2) in other cases, on each January 1
4 occurring after the first anniversary of the commencement of
5 the annuity. Each annual increase shall be calculated at 3% or
6 one-half the annual unadjusted percentage increase (but not
7 less than zero) in the consumer price index-u for the 12 months
8 ending with the September preceding each November 1, whichever
9 is less, of the originally granted survivor's annuity. If the
10 annual unadjusted percentage change in the consumer price
11 index-u for the 12 months ending with the September preceding
12 each November 1 is zero or there is a decrease, then the
13 annuity shall not be increased.

14 (g) The benefits in Section 14-110 apply ~~only~~ if the
15 person is a State policeman, a fire fighter in the fire
16 protection service of a department, a conservation police
17 officer, an investigator for the Secretary of State, an arson
18 investigator, a Commerce Commission police officer,
19 investigator for the Department of Revenue or the Illinois
20 Gaming Board, a security employee of the Department of
21 Corrections or the Department of Juvenile Justice, or a
22 security employee of the Department of Innovation and
23 Technology, as those terms are defined in subsection (b) and
24 subsection (c) of Section 14-110. A person who meets the
25 requirements of this Section is entitled to an annuity
26 calculated under the provisions of Section 14-110, in lieu of

1 the regular or minimum retirement annuity, only if the person
2 has withdrawn from service with not less than 20 years of
3 eligible creditable service and has attained age 60,
4 regardless of whether the attainment of age 60 occurs while
5 the person is still in service.

6 (g-1) The benefits in Section 14-110 apply if the person
7 is an investigator for the Department of the Lottery, as that
8 term is defined in subsection (b) and subsection (c) of
9 Section 14-110. A person who meets the requirements of this
10 Section is entitled to an annuity calculated under the
11 provisions of Section 14-110, in lieu of the regular or
12 minimum retirement annuity, only if the person has withdrawn
13 from service with not less than 20 years of eligible
14 creditable service and has attained age 55, regardless of
15 whether the attainment of age 55 occurs while the person is
16 still in service.

17 (h) If a person who first becomes a member or a participant
18 of a retirement system or pension fund subject to this Section
19 on or after January 1, 2011 is receiving a retirement annuity
20 or retirement pension under that system or fund and becomes a
21 member or participant under any other system or fund created
22 by this Code and is employed on a full-time basis, except for
23 those members or participants exempted from the provisions of
24 this Section under subsection (a) of this Section, then the
25 person's retirement annuity or retirement pension under that
26 system or fund shall be suspended during that employment. Upon

1 termination of that employment, the person's retirement
2 annuity or retirement pension payments shall resume and be
3 recalculated if recalculation is provided for under the
4 applicable Article of this Code.

5 If a person who first becomes a member of a retirement
6 system or pension fund subject to this Section on or after
7 January 1, 2012 and is receiving a retirement annuity or
8 retirement pension under that system or fund and accepts on a
9 contractual basis a position to provide services to a
10 governmental entity from which he or she has retired, then
11 that person's annuity or retirement pension earned as an
12 active employee of the employer shall be suspended during that
13 contractual service. A person receiving an annuity or
14 retirement pension under this Code shall notify the pension
15 fund or retirement system from which he or she is receiving an
16 annuity or retirement pension, as well as his or her
17 contractual employer, of his or her retirement status before
18 accepting contractual employment. A person who fails to submit
19 such notification shall be guilty of a Class A misdemeanor and
20 required to pay a fine of \$1,000. Upon termination of that
21 contractual employment, the person's retirement annuity or
22 retirement pension payments shall resume and, if appropriate,
23 be recalculated under the applicable provisions of this Code.

24 (i) (Blank).

25 (j) In the case of a conflict between the provisions of
26 this Section and any other provision of this Code, the

1 provisions of this Section shall control.

2 (Source: P.A. 101-610, eff. 1-1-20; 102-16, eff. 6-17-21;
3 102-210, eff. 1-1-22; 102-263, eff. 8-6-21; 102-813, eff.
4 5-13-22.)

5 (Text of Section from P.A. 102-956)

6 Sec. 1-160. Provisions applicable to new hires.

7 (a) The provisions of this Section apply to a person who,
8 on or after January 1, 2011, first becomes a member or a
9 participant under any reciprocal retirement system or pension
10 fund established under this Code, other than a retirement
11 system or pension fund established under Article 2, 3, 4, 5, 6,
12 7, 15, or 18 of this Code, notwithstanding any other provision
13 of this Code to the contrary, but do not apply to any
14 self-managed plan established under this Code or to any
15 participant of the retirement plan established under Section
16 22-101; except that this Section applies to a person who
17 elected to establish alternative credits by electing in
18 writing after January 1, 2011, but before August 8, 2011,
19 under Section 7-145.1 of this Code. Notwithstanding anything
20 to the contrary in this Section, for purposes of this Section,
21 a person who is a Tier 1 regular employee as defined in Section
22 7-109.4 of this Code or who participated in a retirement
23 system under Article 15 prior to January 1, 2011 shall be
24 deemed a person who first became a member or participant prior
25 to January 1, 2011 under any retirement system or pension fund

1 subject to this Section. The changes made to this Section by
2 Public Act 98-596 are a clarification of existing law and are
3 intended to be retroactive to January 1, 2011 (the effective
4 date of Public Act 96-889), notwithstanding the provisions of
5 Section 1-103.1 of this Code.

6 This Section does not apply to a person who first becomes a
7 noncovered employee under Article 14 on or after the
8 implementation date of the plan created under Section 1-161
9 for that Article, unless that person elects under subsection
10 (b) of Section 1-161 to instead receive the benefits provided
11 under this Section and the applicable provisions of that
12 Article.

13 This Section does not apply to a person who first becomes a
14 member or participant under Article 16 on or after the
15 implementation date of the plan created under Section 1-161
16 for that Article, unless that person elects under subsection
17 (b) of Section 1-161 to instead receive the benefits provided
18 under this Section and the applicable provisions of that
19 Article.

20 This Section does not apply to a person who elects under
21 subsection (c-5) of Section 1-161 to receive the benefits
22 under Section 1-161.

23 This Section does not apply to a person who first becomes a
24 member or participant of an affected pension fund on or after 6
25 months after the resolution or ordinance date, as defined in
26 Section 1-162, unless that person elects under subsection (c)

1 of Section 1-162 to receive the benefits provided under this
2 Section and the applicable provisions of the Article under
3 which he or she is a member or participant.

4 (b) "Final average salary" means, except as otherwise
5 provided in this subsection, the average monthly (or annual)
6 salary obtained by dividing the total salary or earnings
7 calculated under the Article applicable to the member or
8 participant during the 96 consecutive months (or 8 consecutive
9 years) of service within the last 120 months (or 10 years) of
10 service in which the total salary or earnings calculated under
11 the applicable Article was the highest by the number of months
12 (or years) of service in that period. For the purposes of a
13 person who first becomes a member or participant of any
14 retirement system or pension fund to which this Section
15 applies on or after January 1, 2011, in this Code, "final
16 average salary" shall be substituted for the following:

17 (1) (Blank).

18 (2) In Articles 8, 9, 10, 11, and 12, "highest average
19 annual salary for any 4 consecutive years within the last
20 10 years of service immediately preceding the date of
21 withdrawal".

22 (3) In Article 13, "average final salary".

23 (4) In Article 14, "final average compensation".

24 (5) In Article 17, "average salary".

25 (6) In Section 22-207, "wages or salary received by
26 him at the date of retirement or discharge".

1 A member of the Teachers' Retirement System of the State
2 of Illinois who retires on or after June 1, 2021 and for whom
3 the 2020-2021 school year is used in the calculation of the
4 member's final average salary shall use the higher of the
5 following for the purpose of determining the member's final
6 average salary:

7 (A) the amount otherwise calculated under the first
8 paragraph of this subsection; or

9 (B) an amount calculated by the Teachers' Retirement
10 System of the State of Illinois using the average of the
11 monthly (or annual) salary obtained by dividing the total
12 salary or earnings calculated under Article 16 applicable
13 to the member or participant during the 96 months (or 8
14 years) of service within the last 120 months (or 10 years)
15 of service in which the total salary or earnings
16 calculated under the Article was the highest by the number
17 of months (or years) of service in that period.

18 (b-5) Beginning on January 1, 2011, for all purposes under
19 this Code (including without limitation the calculation of
20 benefits and employee contributions), the annual earnings,
21 salary, or wages (based on the plan year) of a member or
22 participant to whom this Section applies shall not exceed
23 \$106,800; however, that amount shall annually thereafter be
24 increased by the lesser of (i) 3% of that amount, including all
25 previous adjustments, or (ii) one-half the annual unadjusted
26 percentage increase (but not less than zero) in the consumer

1 price index-u for the 12 months ending with the September
2 preceding each November 1, including all previous adjustments.

3 For the purposes of this Section, "consumer price index-u"
4 means the index published by the Bureau of Labor Statistics of
5 the United States Department of Labor that measures the
6 average change in prices of goods and services purchased by
7 all urban consumers, United States city average, all items,
8 1982-84 = 100. The new amount resulting from each annual
9 adjustment shall be determined by the Public Pension Division
10 of the Department of Insurance and made available to the
11 boards of the retirement systems and pension funds by November
12 1 of each year.

13 (b-10) Beginning on January 1, 2024, for all purposes
14 under this Code (including, without limitation, the
15 calculation of benefits and employee contributions), the
16 annual earnings, salary, or wages (based on the plan year) of a
17 member or participant under Article 9 to whom this Section
18 applies shall include an annual earnings, salary, or wage cap
19 that tracks the Social Security wage base. Maximum annual
20 earnings, wages, or salary shall be the annual contribution
21 and benefit base established for the applicable year by the
22 Commissioner of the Social Security Administration under the
23 federal Social Security Act.

24 However, in no event shall the annual earnings, salary, or
25 wages for the purposes of this Article and Article 9 exceed any
26 limitation imposed on annual earnings, salary, or wages under

1 Section 1-117. Under no circumstances shall the maximum amount
2 of annual earnings, salary, or wages be greater than the
3 amount set forth in this subsection (b-10) as a result of
4 reciprocal service or any provisions regarding reciprocal
5 services, nor shall the Fund under Article 9 be required to pay
6 any refund as a result of the application of this maximum
7 annual earnings, salary, and wage cap.

8 Nothing in this subsection (b-10) shall cause or otherwise
9 result in any retroactive adjustment of any employee
10 contributions. Nothing in this subsection (b-10) shall cause
11 or otherwise result in any retroactive adjustment of
12 disability or other payments made between January 1, 2011 and
13 January 1, 2024.

14 (c) A member or participant is entitled to a retirement
15 annuity upon written application if he or she has attained age
16 67 (age 65, with respect to service under Article 12 that is
17 subject to this Section, for a member or participant under
18 Article 12 who first becomes a member or participant under
19 Article 12 on or after January 1, 2022 or who makes the
20 election under item (i) of subsection (d-15) of this Section)
21 and has at least 10 years of service credit and is otherwise
22 eligible under the requirements of the applicable Article.

23 A member or participant who has attained age 62 (age 60,
24 with respect to service under Article 12 that is subject to
25 this Section, for a member or participant under Article 12 who
26 first becomes a member or participant under Article 12 on or

1 after January 1, 2022 or who makes the election under item (i)
2 of subsection (d-15) of this Section) and has at least 10 years
3 of service credit and is otherwise eligible under the
4 requirements of the applicable Article may elect to receive
5 the lower retirement annuity provided in subsection (d) of
6 this Section.

7 (c-5) A person who first becomes a member or a participant
8 subject to this Section on or after July 6, 2017 (the effective
9 date of Public Act 100-23), notwithstanding any other
10 provision of this Code to the contrary, is entitled to a
11 retirement annuity under Article 8 or Article 11 upon written
12 application if he or she has attained age 65 and has at least
13 10 years of service credit and is otherwise eligible under the
14 requirements of Article 8 or Article 11 of this Code,
15 whichever is applicable.

16 (d) The retirement annuity of a member or participant who
17 is retiring after attaining age 62 (age 60, with respect to
18 service under Article 12 that is subject to this Section, for a
19 member or participant under Article 12 who first becomes a
20 member or participant under Article 12 on or after January 1,
21 2022 or who makes the election under item (i) of subsection
22 (d-15) of this Section) with at least 10 years of service
23 credit shall be reduced by one-half of 1% for each full month
24 that the member's age is under age 67 (age 65, with respect to
25 service under Article 12 that is subject to this Section, for a
26 member or participant under Article 12 who first becomes a

1 member or participant under Article 12 on or after January 1,
2 2022 or who makes the election under item (i) of subsection
3 (d-15) of this Section).

4 (d-5) The retirement annuity payable under Article 8 or
5 Article 11 to an eligible person subject to subsection (c-5)
6 of this Section who is retiring at age 60 with at least 10
7 years of service credit shall be reduced by one-half of 1% for
8 each full month that the member's age is under age 65.

9 (d-10) Each person who first became a member or
10 participant under Article 8 or Article 11 of this Code on or
11 after January 1, 2011 and prior to July 6, 2017 (the effective
12 date of Public Act 100-23) shall make an irrevocable election
13 either:

14 (i) to be eligible for the reduced retirement age
15 provided in subsections (c-5) and (d-5) of this Section,
16 the eligibility for which is conditioned upon the member
17 or participant agreeing to the increases in employee
18 contributions for age and service annuities provided in
19 subsection (a-5) of Section 8-174 of this Code (for
20 service under Article 8) or subsection (a-5) of Section
21 11-170 of this Code (for service under Article 11); or

22 (ii) to not agree to item (i) of this subsection
23 (d-10), in which case the member or participant shall
24 continue to be subject to the retirement age provisions in
25 subsections (c) and (d) of this Section and the employee
26 contributions for age and service annuity as provided in

1 subsection (a) of Section 8-174 of this Code (for service
2 under Article 8) or subsection (a) of Section 11-170 of
3 this Code (for service under Article 11).

4 The election provided for in this subsection shall be made
5 between October 1, 2017 and November 15, 2017. A person
6 subject to this subsection who makes the required election
7 shall remain bound by that election. A person subject to this
8 subsection who fails for any reason to make the required
9 election within the time specified in this subsection shall be
10 deemed to have made the election under item (ii).

11 (d-15) Each person who first becomes a member or
12 participant under Article 12 on or after January 1, 2011 and
13 prior to January 1, 2022 shall make an irrevocable election
14 either:

15 (i) to be eligible for the reduced retirement age
16 specified in subsections (c) and (d) of this Section, the
17 eligibility for which is conditioned upon the member or
18 participant agreeing to the increase in employee
19 contributions for service annuities specified in
20 subsection (b) of Section 12-150; or

21 (ii) to not agree to item (i) of this subsection
22 (d-15), in which case the member or participant shall not
23 be eligible for the reduced retirement age specified in
24 subsections (c) and (d) of this Section and shall not be
25 subject to the increase in employee contributions for
26 service annuities specified in subsection (b) of Section

1 12-150.

2 The election provided for in this subsection shall be made
3 between January 1, 2022 and April 1, 2022. A person subject to
4 this subsection who makes the required election shall remain
5 bound by that election. A person subject to this subsection
6 who fails for any reason to make the required election within
7 the time specified in this subsection shall be deemed to have
8 made the election under item (ii).

9 (e) Any retirement annuity or supplemental annuity shall
10 be subject to annual increases on the January 1 occurring
11 either on or after the attainment of age 67 (age 65, with
12 respect to service under Article 12 that is subject to this
13 Section, for a member or participant under Article 12 who
14 first becomes a member or participant under Article 12 on or
15 after January 1, 2022 or who makes the election under item (i)
16 of subsection (d-15); and beginning on July 6, 2017 (the
17 effective date of Public Act 100-23), age 65 with respect to
18 service under Article 8 or Article 11 for eligible persons
19 who: (i) are subject to subsection (c-5) of this Section; or
20 (ii) made the election under item (i) of subsection (d-10) of
21 this Section) or the first anniversary of the annuity start
22 date, whichever is later. Each annual increase shall be
23 calculated at 3% or one-half the annual unadjusted percentage
24 increase (but not less than zero) in the consumer price
25 index-u for the 12 months ending with the September preceding
26 each November 1, whichever is less, of the originally granted

1 retirement annuity. If the annual unadjusted percentage change
2 in the consumer price index-u for the 12 months ending with the
3 September preceding each November 1 is zero or there is a
4 decrease, then the annuity shall not be increased.

5 For the purposes of Section 1-103.1 of this Code, the
6 changes made to this Section by Public Act 102-263 are
7 applicable without regard to whether the employee was in
8 active service on or after August 6, 2021 (the effective date
9 of Public Act 102-263).

10 For the purposes of Section 1-103.1 of this Code, the
11 changes made to this Section by Public Act 100-23 are
12 applicable without regard to whether the employee was in
13 active service on or after July 6, 2017 (the effective date of
14 Public Act 100-23).

15 (f) The initial survivor's or widow's annuity of an
16 otherwise eligible survivor or widow of a retired member or
17 participant who first became a member or participant on or
18 after January 1, 2011 shall be in the amount of 66 2/3% of the
19 retired member's or participant's retirement annuity at the
20 date of death. In the case of the death of a member or
21 participant who has not retired and who first became a member
22 or participant on or after January 1, 2011, eligibility for a
23 survivor's or widow's annuity shall be determined by the
24 applicable Article of this Code. The initial benefit shall be
25 66 2/3% of the earned annuity without a reduction due to age. A
26 child's annuity of an otherwise eligible child shall be in the

1 amount prescribed under each Article if applicable. Any
2 survivor's or widow's annuity shall be increased (1) on each
3 January 1 occurring on or after the commencement of the
4 annuity if the deceased member died while receiving a
5 retirement annuity or (2) in other cases, on each January 1
6 occurring after the first anniversary of the commencement of
7 the annuity. Each annual increase shall be calculated at 3% or
8 one-half the annual unadjusted percentage increase (but not
9 less than zero) in the consumer price index-u for the 12 months
10 ending with the September preceding each November 1, whichever
11 is less, of the originally granted survivor's annuity. If the
12 annual unadjusted percentage change in the consumer price
13 index-u for the 12 months ending with the September preceding
14 each November 1 is zero or there is a decrease, then the
15 annuity shall not be increased.

16 (g) The benefits in Section 14-110 apply ~~only~~ if the
17 person is a State policeman, a fire fighter in the fire
18 protection service of a department, a conservation police
19 officer, an investigator for the Secretary of State, an
20 investigator for the Office of the Attorney General, an arson
21 investigator, a Commerce Commission police officer,
22 investigator for the Department of Revenue or the Illinois
23 Gaming Board, a security employee of the Department of
24 Corrections or the Department of Juvenile Justice, or a
25 security employee of the Department of Innovation and
26 Technology, as those terms are defined in subsection (b) and

1 subsection (c) of Section 14-110. A person who meets the
2 requirements of this Section is entitled to an annuity
3 calculated under the provisions of Section 14-110, in lieu of
4 the regular or minimum retirement annuity, only if the person
5 has withdrawn from service with not less than 20 years of
6 eligible creditable service and has attained age 60,
7 regardless of whether the attainment of age 60 occurs while
8 the person is still in service.

9 (g-1) The benefits in Section 14-110 apply if the person
10 is an investigator for the Department of the Lottery, as that
11 term is defined in subsection (b) and subsection (c) of
12 Section 14-110. A person who meets the requirements of this
13 Section is entitled to an annuity calculated under the
14 provisions of Section 14-110, in lieu of the regular or
15 minimum retirement annuity, only if the person has withdrawn
16 from service with not less than 20 years of eligible
17 creditable service and has attained age 55, regardless of
18 whether the attainment of age 55 occurs while the person is
19 still in service.

20 (h) If a person who first becomes a member or a participant
21 of a retirement system or pension fund subject to this Section
22 on or after January 1, 2011 is receiving a retirement annuity
23 or retirement pension under that system or fund and becomes a
24 member or participant under any other system or fund created
25 by this Code and is employed on a full-time basis, except for
26 those members or participants exempted from the provisions of

1 this Section under subsection (a) of this Section, then the
2 person's retirement annuity or retirement pension under that
3 system or fund shall be suspended during that employment. Upon
4 termination of that employment, the person's retirement
5 annuity or retirement pension payments shall resume and be
6 recalculated if recalculation is provided for under the
7 applicable Article of this Code.

8 If a person who first becomes a member of a retirement
9 system or pension fund subject to this Section on or after
10 January 1, 2012 and is receiving a retirement annuity or
11 retirement pension under that system or fund and accepts on a
12 contractual basis a position to provide services to a
13 governmental entity from which he or she has retired, then
14 that person's annuity or retirement pension earned as an
15 active employee of the employer shall be suspended during that
16 contractual service. A person receiving an annuity or
17 retirement pension under this Code shall notify the pension
18 fund or retirement system from which he or she is receiving an
19 annuity or retirement pension, as well as his or her
20 contractual employer, of his or her retirement status before
21 accepting contractual employment. A person who fails to submit
22 such notification shall be guilty of a Class A misdemeanor and
23 required to pay a fine of \$1,000. Upon termination of that
24 contractual employment, the person's retirement annuity or
25 retirement pension payments shall resume and, if appropriate,
26 be recalculated under the applicable provisions of this Code.

1 (i) (Blank).

2 (j) In the case of a conflict between the provisions of
3 this Section and any other provision of this Code, the
4 provisions of this Section shall control.

5 (Source: P.A. 102-16, eff. 6-17-21; 102-210, eff. 1-1-22;
6 102-263, eff. 8-6-21; 102-956, eff. 5-27-22; 103-529, eff.
7 8-11-23.)

8 (40 ILCS 5/1-168 new)

9 Sec. 1-168. Deferred retirement option plan.

10 (a) In this Section:

11 "Applicable pension fund or retirement system" means the
12 pension fund or retirement system established under Article 3,
13 4, 5, 6, 7, 9, 14, or 15 under which the eligible member or
14 DROP member participates.

15 "Deferred retirement option plan" or "DROP" means the plan
16 created under this Section that provides an alternative method
17 of benefit accrual in the pension fund or retirement system.

18 "DROP member" means an eligible member who makes an
19 election to participate in the DROP no later than January 1,
20 2029.

21 "Eligible member" means a participating member under a
22 pension fund or retirement system established under Article 3,
23 4, 5, 6, 7, 9, 14, or 15 who, at the time of the member's
24 election to participate in the DROP:

25 (1) is otherwise eligible to retire under the

1 applicable Article with a pension or annuity, as
2 determined by the retirement system or pension fund of
3 which the member is an active member at the time of the
4 election to participate in the DROP, under any of the
5 following provisions:

6 (A) Section 1-160 for service as a deputy sheriff
7 in the Cook County Police Department;

8 (B) Section 3-111;

9 (C) Section 4-109;

10 (D) Section 5-132;

11 (E) Section 5-238;

12 (F) Section 6-128;

13 (G) Section 6-229;

14 (H) Section 7-142.1;

15 (I) Section 9-128.1;

16 (J) Section 14-110 for eligible creditable service
17 as a State policeman or a fire fighter in the fire
18 protection service of a department; or

19 (K) Rule 4 of Section 15-136 for service as a
20 police officer;

21 (2) is not in receipt of a disability benefit or
22 retirement annuity from the applicable retirement system
23 or pension fund at the time of his or her election to
24 participate in the DROP;

25 (3) is actively employed as a police officer,
26 firefighter, policeman, fireman, sheriff's law enforcement

1 employee, deputy sheriff in the Cook County Police
2 Department, State policeman, or fire fighter in the fire
3 protection service of a department, as described or
4 defined under the applicable Article; and

5 (4) is not subject to mandatory retirement under the
6 law and will not become subject to mandatory retirement
7 under the law during participation in the DROP.

8 (b) The DROP shall be made available to eligible members
9 no later than January 1, 2026.

10 (c) Eligible members must make their election to
11 participate in the DROP in writing with the applicable pension
12 fund or retirement system in a form acceptable to the
13 applicable pension fund or retirement system. The applicable
14 pension fund or retirement system must process the election
15 and begin crediting an account on behalf of the DROP member as
16 soon as is practicable after the election has been received.

17 At the time of or prior to electing to participate in the
18 DROP, a member must, unless otherwise provided by law, make
19 all other elections required to be made at or before the date
20 of retirement, including, but not limited to, purchase of
21 optional service, election of an accelerated pension benefit
22 payment, or any other election identified by the retirement
23 system or pension fund.

24 (d) An eligible member may participate in the DROP for a
25 period not to exceed 5 years from the date of the eligible
26 member's election.

1 (e) During the period of the DROP member's participation
2 in the DROP, the applicable pension fund or retirement system
3 shall transfer and credit into a notional account on behalf of
4 the DROP member an amount equal to the monthly amount of
5 retirement annuity the DROP member would otherwise be eligible
6 to receive if the DROP member had retired on the date of the
7 election under this Section. A DROP member who is entitled to a
8 benefit from a participating system under the Retirement
9 Systems Reciprocal Act shall be eligible to have the benefit
10 the DROP member would have otherwise been eligible to receive
11 if the DROP member retired on the date of the election under
12 this Section deposited with the applicable pension fund or
13 retirement system in the DROP member's DROP account and
14 administered in a manner consistent with the requirements of
15 this Section. The applicable pension fund or retirement system
16 shall deduct any amounts required to be deducted under State
17 or federal law, including, but not limited to, payments
18 required under a Qualified Illinois Domestic Relations Order
19 under Section 1-119. Any automatic annual increases that would
20 have otherwise been applied to the DROP member's benefit if
21 the DROP member had elected to retire instead of participate
22 in the DROP shall accrue to the DROP member's monthly payment
23 placed into the account prior to the expiration of the DROP and
24 shall otherwise apply to the DROP member's annuity upon
25 expiration of the DROP. The account shall be held on behalf of
26 the DROP member.

1 (f) DROP members shall make contributions to the
2 applicable pension fund or retirement system during their
3 participation in the DROP in an amount equal to the employee
4 contributions under the applicable Article that would
5 otherwise be required if the DROP member were an active
6 participant of the applicable pension fund or retirement
7 system. Those amounts shall be credited to the member's DROP
8 account, minus any administrative costs determined by the
9 pension fund or retirement system to be attributable to the
10 administration of the DROP benefits experienced by the
11 applicable pension fund or retirement system.

12 (g) The amounts credited to the DROP account shall be held
13 in notional accounts by the applicable pension fund or
14 retirement system. The amounts in the DROP account shall not
15 accrue interest. The applicable pension fund or retirement
16 system shall reduce the amounts in the DROP account on a
17 schedule set by the applicable pension fund or retirement
18 system to cover all of the administrative costs of the
19 applicable pension fund or retirement system that are deemed
20 to be attributable to the administration of the DROP account
21 and any duties required under this Section.

22 (h) Upon expiration or termination of the DROP member's
23 participation in the DROP, the account balance shall be paid
24 to the DROP member as a lump sum. The applicable pension fund
25 or retirement system shall provide options for the transfer of
26 the account consistent with its fiduciary duty and any

1 applicable State or federal law. The expiration or termination
2 of a DROP member's participation in the DROP may not occur
3 after January 1, 2034.

4 (i) The DROP election is irrevocable, and the DROP member
5 may not, except as otherwise provided in this Section, access
6 the account prior to the date established as the last day of
7 the DROP when the DROP member made the initial election to
8 participate in the DROP. The DROP member must terminate
9 employment with the employer upon expiration of his or her
10 participation in the DROP. The DROP member's participation in
11 the DROP shall terminate prior to the expiration date:

12 (1) if the DROP member terminates employment with the
13 employer prior to the expiration of the designated DROP
14 period;

15 (2) if the DROP member becomes eligible for and begins
16 collecting a disability benefit from the pension fund or
17 retirement system; or

18 (3) upon the death of the DROP member.

19 Upon termination from the DROP, the member shall commence
20 his or her retirement annuity from the pension fund or
21 retirement system. After termination or expiration of a
22 member's participation in the DROP, the member may not
23 participate in employment in any way that would require the
24 member to become an active contributing member of the
25 retirement system or pension fund.

26 The applicable pension fund or retirement system may allow

1 for the payment of the balance of the DROP account prior to the
2 last date of participation in the DROP established by the DROP
3 member when the DROP member made the initial election to
4 participate in the DROP if (i) the member's participation in
5 the DROP terminated and (ii) the applicable pension fund or
6 retirement system determines the DROP member should have
7 access to the DROP account balance due to hardship or
8 necessity as determined by the applicable pension fund or
9 retirement system.

10 (j) A DROP member shall be considered in active service
11 for purposes of eligibility for death and disability benefits
12 and access to any health care benefits provided for by the
13 employer and shall retain all rights of employment as
14 established under the DROP member's collective bargaining
15 agreement.

16 The DROP member shall not accrue additional service credit
17 in the pension fund or retirement system while participating
18 in the DROP, regardless of any service accruals, future pay
19 increases, active cost of living adjustments, or promotions.
20 Additionally, the DROP member shall not be eligible to
21 purchase any optional service credit or to repay any refunds.

22 Eligibility for a surviving spouse benefit shall be
23 determined at the time of the DROP election.

24 Any amounts due to an alternate payee under a Qualified
25 Illinois Domestic Relations Order under Section 1-119 shall be
26 calculated at the time of the DROP election and such amounts

1 shall be payable at the time of election.

2 If the DROP member's designated beneficiary predeceases
3 the DROP member and the DROP member dies before designating a
4 new beneficiary, the DROP member's DROP account shall be paid
5 to the DROP member's estate.

6 When determining if a member is owed a refund of
7 contributions due to the member's death prior to collecting an
8 amount equal to or greater than the member's contributions,
9 the proceeds of the DROP account shall be considered part of
10 the total payment made to the member or the member's estate.

11 (k) It is intended that the DROP shall not jeopardize the
12 tax qualified status of the pension fund or retirement system.
13 The pension fund or retirement system shall have the authority
14 to adopt rules necessary or appropriate for the DROP to
15 maintain compliance with applicable federal laws and
16 regulations. Notwithstanding any other provision of this Code,
17 all benefits provided under the DROP shall be subject to the
18 requirements and limits of the Internal Revenue Code of 1986,
19 as amended.

20 (l) Each applicable pension fund or retirement system
21 shall be the administrator of the DROP plan created in this
22 Section. The administration shall be subject to any applicable
23 laws, and the pension fund or retirement system shall
24 administer the program in the best interest of the DROP
25 members in a way that a prudent person in a similar
26 circumstance would.

1 (40 ILCS 5/3-144.3 new)

2 Sec. 3-144.3. Retirement Systems Reciprocal Act. The
3 Retirement Systems Reciprocal Act, Article 20 of this Code, is
4 adopted and made a part of this Article, but only with respect
5 to a person who, on or after the effective date of this
6 amendatory Act of the 103rd General Assembly, is entitled
7 under this Article or through a participating system under the
8 Retirement Systems Reciprocal Act, as defined in Section
9 20-108, to begin receiving a retirement annuity or survivor's
10 annuity (as those terms are defined in Article 20) and who
11 elects to proceed under the Retirement Systems Reciprocal Act.

12 (40 ILCS 5/4-138.15 new)

13 Sec. 4-138.15. Retirement Systems Reciprocal Act. The
14 Retirement Systems Reciprocal Act, Article 20 of this Code, is
15 adopted and made a part of this Article, but only with respect
16 to a person who, on or after the effective date of this
17 amendatory Act of the 103rd General Assembly, is entitled
18 under this Article or through a participating system under the
19 Retirement Systems Reciprocal Act, as defined in Section
20 20-108, to begin receiving a retirement annuity or survivor's
21 annuity (as those terms are defined in Article 20) and who
22 elects to proceed under the Retirement Systems Reciprocal Act.

23 (40 ILCS 5/5-240 new)

1 Sec. 5-240. Retirement Systems Reciprocal Act. The
2 Retirement Systems Reciprocal Act, Article 20 of this Code, is
3 adopted and made a part of this Article, but only with respect
4 to a person who, on or after the effective date of this
5 amendatory Act of the 103rd General Assembly, is entitled
6 under this Article or through a participating system under the
7 Retirement Systems Reciprocal Act, as defined in Section
8 20-108, to begin receiving a retirement annuity or survivor's
9 annuity (as those terms are defined in Article 20) and who
10 elects to proceed under the Retirement Systems Reciprocal Act.

11 (40 ILCS 5/6-232 new)

12 Sec. 6-232. Retirement Systems Reciprocal Act. The
13 Retirement Systems Reciprocal Act, Article 20 of this Code, is
14 adopted and made a part of this Article, but only with respect
15 to a person who, on or after the effective date of this
16 amendatory Act of the 103rd General Assembly, is entitled
17 under this Article or through a participating system under the
18 Retirement Systems Reciprocal Act, as defined in Section
19 20-108, to begin receiving a retirement annuity or survivor's
20 annuity (as those terms are defined in Article 20) and who
21 elects to proceed under the Retirement Systems Reciprocal Act.

22 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)

23 (Text of Section from P.A. 102-813 and 103-34)

24 Sec. 14-110. Alternative retirement annuity.

1 (a) Any member who has withdrawn from service with not
2 less than 20 years of eligible creditable service and has
3 attained age 55, and any member who has withdrawn from service
4 with not less than 25 years of eligible creditable service and
5 has attained age 50, regardless of whether the attainment of
6 either of the specified ages occurs while the member is still
7 in service, shall be entitled to receive at the option of the
8 member, in lieu of the regular or minimum retirement annuity,
9 a retirement annuity computed as follows:

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

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

1 each year in excess of 30.

2 Such annuity shall be subject to a maximum of 75% of final
3 average compensation if retirement occurs before January 1,
4 2001 or to a maximum of 80% of final average compensation if
5 retirement occurs on or after January 1, 2001.

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

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

14 (1) State policeman;

15 (2) fire fighter in the fire protection service of a
16 department;

17 (3) air pilot;

18 (4) special agent;

19 (5) investigator for the Secretary of State;

20 (6) conservation police officer;

21 (7) investigator for the Department of Revenue or the
22 Illinois Gaming Board;

23 (8) security employee of the Department of Human
24 Services;

25 (9) Central Management Services security police
26 officer;

1 (10) security employee of the Department of
2 Corrections or the Department of Juvenile Justice;

3 (11) dangerous drugs investigator;

4 (12) investigator for the Illinois State Police;

5 (13) investigator for the Office of the Attorney
6 General;

7 (14) controlled substance inspector;

8 (15) investigator for the Office of the State's
9 Attorneys Appellate Prosecutor;

10 (16) Commerce Commission police officer;

11 (17) arson investigator;

12 (18) State highway maintenance worker;

13 (19) security employee of the Department of Innovation
14 and Technology; ~~or~~

15 (20) transferred employee; or ~~or~~

16 (21) investigator for the Department of the Lottery.

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

1 A person under paragraph (20) is entitled to eligible
2 creditable service for service credit earned under this
3 Article on and after his or her transfer by Executive Order No.
4 2003-10, Executive Order No. 2004-2, or Executive Order No.
5 2016-1.

6 (c) For the purposes of this Section:

7 (1) The term "State policeman" includes any title or
8 position in the Illinois State Police that is held by an
9 individual employed under the Illinois State Police Act.

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

14 (3) The term "air pilot" includes any employee whose
15 official job description on file in the Department of
16 Central Management Services, or in the department by which
17 he is employed if that department is not covered by the
18 Personnel Code, states that his principal duty is the
19 operation of aircraft, and who possesses a pilot's
20 license; however, the change in this definition made by
21 Public Act 83-842 shall not operate to exclude any
22 noncovered employee who was an "air pilot" for the
23 purposes of this Section on January 1, 1984.

24 (4) The term "special agent" means any person who by
25 reason of employment by the Division of Narcotic Control,
26 the Bureau of Investigation or, after July 1, 1977, the

1 Division of Criminal Investigation, the Division of
2 Internal Investigation, the Division of Operations, the
3 Division of Patrol, or any other Division or
4 organizational entity in the Illinois State Police is
5 vested by law with duties to maintain public order,
6 investigate violations of the criminal law of this State,
7 enforce the laws of this State, make arrests and recover
8 property. The term "special agent" includes any title or
9 position in the Illinois State Police that is held by an
10 individual employed under the Illinois State Police Act.

11 (5) The term "investigator for the Secretary of State"
12 means any person employed by the Office of the Secretary
13 of State and vested with such investigative duties as
14 render him 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.

17 A person who became employed as an investigator for
18 the Secretary of State between January 1, 1967 and
19 December 31, 1975, and who has served as such until
20 attainment of age 60, either continuously or with a single
21 break in service of not more than 3 years duration, which
22 break terminated before January 1, 1976, shall be entitled
23 to have his retirement annuity calculated in accordance
24 with subsection (a), notwithstanding that he has less than
25 20 years of credit for such service.

26 (6) The term "Conservation Police Officer" means any

1 person employed by the Division of Law Enforcement of the
2 Department of Natural Resources and vested with such law
3 enforcement duties as render him ineligible for coverage
4 under the Social Security Act by reason of Sections
5 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The
6 term "Conservation Police Officer" includes the positions
7 of Chief Conservation Police Administrator and Assistant
8 Conservation Police Administrator.

9 (7) The term "investigator for the Department of
10 Revenue" means any person employed by the Department of
11 Revenue and vested with such investigative duties as
12 render him ineligible for coverage under the Social
13 Security Act by reason of Sections 218(d)(5)(A),
14 218(d)(8)(D) and 218(1)(1) of that Act.

15 The term "investigator for the Illinois Gaming Board"
16 means any person employed as such by the Illinois Gaming
17 Board and vested with such peace officer duties as render
18 the person ineligible for coverage under the Social
19 Security Act by reason of Sections 218(d)(5)(A),
20 218(d)(8)(D), and 218(1)(1) of that Act.

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

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

22 The changes made to this subdivision (c)(8) by Public
23 Act 92-14 apply to persons who retire on or after January
24 1, 2001, notwithstanding Section 1-103.1.

25 (9) "Central Management Services security police
26 officer" means any person employed by the Department of

1 Central Management Services who is vested with such law
2 enforcement duties as render him ineligible for coverage
3 under the Social Security Act by reason of Sections
4 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

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

26 (11) The term "dangerous drugs investigator" means any

1 person who is employed as such by the Department of Human
2 Services.

3 (12) The term "investigator for the Illinois State
4 Police" means a person employed by the Illinois State
5 Police who is vested under Section 4 of the Narcotic
6 Control Division Abolition Act with such law enforcement
7 powers as render him ineligible for coverage under the
8 Social Security Act by reason of Sections 218(d)(5)(A),
9 218(d)(8)(D) and 218(1)(1) of that Act.

10 (13) "Investigator for the Office of the Attorney
11 General" means any person who is employed as such by the
12 Office of the Attorney General and is vested with such
13 investigative duties as render him ineligible for coverage
14 under the Social Security Act by reason of Sections
15 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act. For
16 the period before January 1, 1989, the term includes all
17 persons who were employed as investigators by the Office
18 of the Attorney General, without regard to social security
19 status.

20 (14) "Controlled substance inspector" means any person
21 who is employed as such by the Department of Professional
22 Regulation and is vested with such law enforcement duties
23 as 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. The term
26 "controlled substance inspector" includes the Program

1 Executive of Enforcement and the Assistant Program
2 Executive of Enforcement.

3 (15) The term "investigator for the Office of the
4 State's Attorneys Appellate Prosecutor" means a person
5 employed in that capacity on a full-time basis under the
6 authority of Section 7.06 of the State's Attorneys
7 Appellate Prosecutor's Act.

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

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

1 if the applicant were contributing at the rate applicable
2 to persons with the same social security status earning
3 eligible creditable service on the date of application.

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

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

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

1 tollways in serviceable condition for vehicular
2 traffic.

3 (19) The term "security employee of the Department of
4 Innovation and Technology" means a person who was a
5 security employee of the Department of Corrections or the
6 Department of Juvenile Justice, was transferred to the
7 Department of Innovation and Technology pursuant to
8 Executive Order 2016-01, and continues to perform similar
9 job functions under that Department.

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

17 (21) "Investigator for the Department of the Lottery"
18 means any person who is employed by the Department of the
19 Lottery and is vested with such investigative duties which
20 render him or her 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. An investigator
23 for the Department of the Lottery who qualifies under this
24 Section shall earn eligible creditable service and be
25 required to make contributions at the rate specified in
26 paragraph (3) of subsection (a) of Section 14-133 for all

1 periods of service as an investigator for the Department
2 of the Lottery.

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

11 (i) 25 years of eligible creditable service and age
12 55; or

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

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

19 (iv) beginning January 1, 1989, 25 years of eligible
20 creditable service and age 52, or 22 years of eligible
21 creditable service and age 55; or

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

25 (vi) beginning January 1, 1991, 25 years of eligible
26 creditable service and age 50, or 20 years of eligible

1 creditable service and age 55.

2 Persons who have service credit under Article 16 of this
3 Code for service as a security employee of the Department of
4 Corrections or the Department of Juvenile Justice, or the
5 Department of Human Services in a position requiring
6 certification as a teacher may count such service toward
7 establishing their eligibility under the service requirements
8 of this Section; but such service may be used only for
9 establishing such eligibility, and not for the purpose of
10 increasing or calculating any benefit.

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

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

1 the employee contributions that would have been required for
2 such service as a noncovered employee, and the amount of
3 employee contributions actually paid, plus (2) if payment is
4 made after July 31, 1987, regular interest on the amount
5 specified in item (1) from the date of service to the date of
6 payment.

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

19 (g) A State policeman may elect, not later than January 1,
20 1990, to establish eligible creditable service for up to 10
21 years of his service as a policeman under Article 3, by filing
22 a written election with the Board, accompanied by payment of
23 an amount to be determined by the Board, equal to (i) the
24 difference between the amount of employee and employer
25 contributions transferred to the System under Section 3-110.5,
26 and the amounts that would have been contributed had such

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

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

18 (h) Subject to the limitation in subsection (i), a State
19 policeman or investigator for the Secretary of State may elect
20 to establish eligible creditable service for up to 12 years of
21 his service as a policeman under Article 5, by filing a written
22 election with the Board on or before January 31, 1992, and
23 paying to the System by January 31, 1994 an amount to be
24 determined by the Board, equal to (i) the difference between
25 the amount of employee and employer contributions transferred
26 to the System under Section 5-236, and the amounts that would

1 have been contributed had such contributions been made at the
2 rates applicable to State policemen, plus (ii) interest
3 thereon at the effective rate for each year, compounded
4 annually, from the date of service to the date of payment.

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

1 Board and paying to the System an amount to be determined by
2 the Board, equal to (i) the difference between the amount of
3 employee and employer contributions transferred to the System
4 under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4
5 and the amounts that would have been contributed had such
6 contributions been made at the rates applicable to State
7 policemen, plus (ii) interest thereon at the effective rate
8 for each year, compounded annually, from the date of service
9 to the date of payment.

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

1 of service to the date of payment.

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

22 Subject to the limitation in subsection (i), a State
23 policeman, arson investigator, or Commerce Commission police
24 officer may elect to establish eligible creditable service for
25 up to 5 years of service as a person employed by a
26 participating municipality to perform police duties under

1 Article 7, a county corrections officer, a court services
2 officer under Article 9, or a firefighter under Article 4 by
3 filing a written election with the Board within 6 months after
4 July 30, 2021 (the effective date of Public Act 102-210) and
5 paying to the System an amount to be determined by the Board
6 equal to (i) the difference between the amount of employee and
7 employer contributions transferred to the System under
8 Sections 4-108.8, 7-139.8, and 9-121.10 and the amounts that
9 would have been contributed had such contributions been made
10 at the rates applicable to State policemen, plus (ii) interest
11 thereon at the actuarially assumed rate for each year,
12 compounded annually, from the date of service to the date of
13 payment.

14 Subject to the limitation in subsection (i), a
15 conservation police officer may elect to establish eligible
16 creditable service for up to 5 years of service as a person
17 employed by a participating municipality to perform police
18 duties under Article 7, a county corrections officer, or a
19 court services officer under Article 9 by filing a written
20 election with the Board within 6 months after July 30, 2021
21 (the effective date of Public Act 102-210) and paying to the
22 System an amount to be determined by the Board equal to (i) the
23 difference between the amount of employee and employer
24 contributions transferred to the System under Sections 7-139.8
25 and 9-121.10 and the amounts that would have been contributed
26 had such contributions been made at the rates applicable to

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

4 Notwithstanding the limitation in subsection (i), a State
5 policeman or conservation police officer may elect to convert
6 service credit earned under this Article to eligible
7 creditable service, as defined by this Section, by filing a
8 written election with the board within 6 months after July 30,
9 2021 (the effective date of Public Act 102-210) and paying to
10 the System an amount to be determined by the Board equal to (i)
11 the difference between the amount of employee contributions
12 originally paid for that service and the amounts that would
13 have been contributed had such contributions been made at the
14 rates applicable to State policemen, plus (ii) the difference
15 between the employer's normal cost of the credit prior to the
16 conversion authorized by Public Act 102-210 and the employer's
17 normal cost of the credit converted in accordance with Public
18 Act 102-210, plus (iii) interest thereon at the actuarially
19 assumed rate for each year, compounded annually, from the date
20 of service to the date of payment.

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

25 (j) Subject to the limitation in subsection (i), an
26 investigator for the Office of the State's Attorneys Appellate

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

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

1 day as an alternative formula employee after the employment
2 for which credit is being established and the rates then
3 applicable to alternative formula employees, plus (2) an
4 amount determined by the Board to be the employer's normal
5 cost of the benefits accrued for the credit being established,
6 plus (3) regular interest on the amounts in items (1) and (2)
7 from the first day as an alternative formula employee after
8 the employment for which credit is being established to the
9 date of payment.

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

24 (1-5) Subject to the limitation in subsection (i) of this
25 Section, a State policeman may elect to establish eligible
26 creditable service for up to 5 years of service as a full-time

1 law enforcement officer employed by the federal government or
2 by a state or local government located outside of Illinois for
3 which credit is not held in any other public employee pension
4 fund or retirement system. To obtain this credit, the
5 applicant must file a written application with the Board no
6 later than 3 years after January 1, 2020 (the effective date of
7 Public Act 101-610), accompanied by evidence of eligibility
8 acceptable to the Board and payment of an amount to be
9 determined by the Board, equal to (1) employee contributions
10 for the credit being established, based upon the applicant's
11 salary on the first day as an alternative formula employee
12 after the employment for which credit is being established and
13 the rates then applicable to alternative formula employees,
14 plus (2) an amount determined by the Board to be the employer's
15 normal cost of the benefits accrued for the credit being
16 established, plus (3) regular interest on the amounts in items
17 (1) and (2) from the first day as an alternative formula
18 employee after the employment for which credit is being
19 established to the date of payment.

20 (m) The amendatory changes to this Section made by Public
21 Act 94-696 apply only to: (1) security employees of the
22 Department of Juvenile Justice employed by the Department of
23 Corrections before June 1, 2006 (the effective date of Public
24 Act 94-696) and transferred to the Department of Juvenile
25 Justice by Public Act 94-696; and (2) persons employed by the
26 Department of Juvenile Justice on or after June 1, 2006 (the

1 effective date of Public Act 94-696) who are required by
2 subsection (b) of Section 3-2.5-15 of the Unified Code of
3 Corrections to have any bachelor's or advanced degree from an
4 accredited college or university or, in the case of persons
5 who provide vocational training, who are required to have
6 adequate knowledge in the skill for which they are providing
7 the vocational training.

8 Beginning with the pay period that immediately follows the
9 effective date of this amendatory Act of the 103rd General
10 Assembly, the bachelor's or advanced degree requirement of
11 subsection (b) of Section 3-2.5-15 of the Unified Code of
12 Corrections shall no longer determine the eligibility to earn
13 eligible creditable service for a person employed by the
14 Department of Juvenile Justice.

15 An employee may elect to convert into eligible creditable
16 service his or her creditable service earned with the
17 Department of Juvenile Justice while employed in a position
18 that required the employee to do any one or more of the
19 following: (1) participate or assist in the rehabilitative and
20 vocational training of delinquent youths; (2) supervise the
21 daily activities and assume direct and continuing
22 responsibility for the youth's security, welfare, and
23 development; or (3) participate in the personal rehabilitation
24 of delinquent youth by training, supervising, and assisting
25 lower-level personnel. To convert that creditable service to
26 eligible creditable service, the employee must pay to the

1 System the difference between the employee contributions
2 actually paid for that service and the amounts that would have
3 been contributed if the applicant were contributing at the
4 rate applicable to persons with the same Social Security
5 status earning eligible creditable service on the date of
6 application.

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

18 (o) Subject to the limitation in subsection (i), a
19 conservation police officer, investigator for the Secretary of
20 State, Commerce Commission police officer, investigator for
21 the Department of Revenue or the Illinois Gaming Board, or
22 arson investigator subject to subsection (g) of Section 1-160
23 may elect to convert up to 8 years of service credit
24 established before January 1, 2020 (the effective date of
25 Public Act 101-610) as a conservation police officer,
26 investigator for the Secretary of State, Commerce Commission

1 police officer, investigator for the Department of Revenue or
2 the Illinois Gaming Board, or arson investigator under this
3 Article into eligible creditable service by filing a written
4 election with the Board no later than one year after January 1,
5 2020 (the effective date of Public Act 101-610), accompanied
6 by payment of an amount to be determined by the Board equal to
7 (i) the difference between the amount of the employee
8 contributions actually paid for that service and the amount of
9 the employee contributions that would have been paid had the
10 employee contributions been made as a noncovered employee
11 serving in a position in which eligible creditable service, as
12 defined in this Section, may be earned, plus (ii) interest
13 thereon at the effective rate for each year, compounded
14 annually, from the date of service to the date of payment.

15 (Source: P.A. 102-210, eff. 7-30-21; 102-538, eff. 8-20-21;
16 102-813, eff. 5-13-22; 103-34, eff. 1-1-24.)

17 (Text of Section from P.A. 102-856 and 103-34)

18 Sec. 14-110. Alternative retirement annuity.

19 (a) Any member who has withdrawn from service with not
20 less than 20 years of eligible creditable service and has
21 attained age 55, and any member who has withdrawn from service
22 with not less than 25 years of eligible creditable service and
23 has attained age 50, regardless of whether the attainment of
24 either of the specified ages occurs while the member is still
25 in service, shall be entitled to receive at the option of the

1 member, in lieu of the regular or minimum retirement annuity,
2 a retirement annuity computed as follows:

3 (i) for periods of service as a noncovered employee:
4 if retirement occurs on or after January 1, 2001, 3% of
5 final average compensation for each year of creditable
6 service; if retirement occurs before January 1, 2001, 2
7 1/4% of final average compensation for each of the first
8 10 years of creditable service, 2 1/2% for each year above
9 10 years to and including 20 years of creditable service,
10 and 2 3/4% for each year of creditable service above 20
11 years; and

12 (ii) for periods of eligible creditable service as a
13 covered employee: if retirement occurs on or after January
14 1, 2001, 2.5% of final average compensation for each year
15 of creditable service; if retirement occurs before January
16 1, 2001, 1.67% of final average compensation for each of
17 the first 10 years of such service, 1.90% for each of the
18 next 10 years of such service, 2.10% for each year of such
19 service in excess of 20 but not exceeding 30, and 2.30% for
20 each year in excess of 30.

21 Such annuity shall be subject to a maximum of 75% of final
22 average compensation if retirement occurs before January 1,
23 2001 or to a maximum of 80% of final average compensation if
24 retirement occurs on or after January 1, 2001.

25 These rates shall not be applicable to any service
26 performed by a member as a covered employee which is not

1 eligible creditable service. Service as a covered employee
2 which is not eligible creditable service shall be subject to
3 the rates and provisions of Section 14-108.

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

7 (1) State policeman;

8 (2) fire fighter in the fire protection service of a
9 department;

10 (3) air pilot;

11 (4) special agent;

12 (5) investigator for the Secretary of State;

13 (6) conservation police officer;

14 (7) investigator for the Department of Revenue or the
15 Illinois Gaming Board;

16 (8) security employee of the Department of Human
17 Services;

18 (9) Central Management Services security police
19 officer;

20 (10) security employee of the Department of
21 Corrections or the Department of Juvenile Justice;

22 (11) dangerous drugs investigator;

23 (12) investigator for the Illinois State Police;

24 (13) investigator for the Office of the Attorney
25 General;

26 (14) controlled substance inspector;

1 (15) investigator for the Office of the State's
2 Attorneys Appellate Prosecutor;

3 (16) Commerce Commission police officer;

4 (17) arson investigator;

5 (18) State highway maintenance worker;

6 (19) security employee of the Department of Innovation
7 and Technology; ~~or~~

8 (20) transferred employee; or ~~or~~

9 (21) investigator for the Department of the Lottery.

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

20 A person under paragraph (20) is entitled to eligible
21 creditable service for service credit earned under this
22 Article on and after his or her transfer by Executive Order No.
23 2003-10, Executive Order No. 2004-2, or Executive Order No.
24 2016-1.

25 (c) For the purposes of this Section:

26 (1) The term "State policeman" includes any title or

1 position in the Illinois State Police that is held by an
2 individual employed under the Illinois State Police Act.

3 (2) The term "fire fighter in the fire protection
4 service of a department" includes all officers in such
5 fire protection service including fire chiefs and
6 assistant fire chiefs.

7 (3) The term "air pilot" includes any employee whose
8 official job description on file in the Department of
9 Central Management Services, or in the department by which
10 he is employed if that department is not covered by the
11 Personnel Code, states that his principal duty is the
12 operation of aircraft, and who possesses a pilot's
13 license; however, the change in this definition made by
14 Public Act 83-842 shall not operate to exclude any
15 noncovered employee who was an "air pilot" for the
16 purposes of this Section on January 1, 1984.

17 (4) The term "special agent" means any person who by
18 reason of employment by the Division of Narcotic Control,
19 the Bureau of Investigation or, after July 1, 1977, the
20 Division of Criminal Investigation, the Division of
21 Internal Investigation, the Division of Operations, the
22 Division of Patrol, or any other Division or
23 organizational entity in the Illinois State Police is
24 vested by law with duties to maintain public order,
25 investigate violations of the criminal law of this State,
26 enforce the laws of this State, make arrests and recover

1 property. The term "special agent" includes any title or
2 position in the Illinois State Police that is held by an
3 individual employed under the Illinois State Police Act.

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

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

19 (6) The term "Conservation Police Officer" means any
20 person employed by the Division of Law Enforcement of the
21 Department of Natural Resources and vested with such law
22 enforcement 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. The
25 term "Conservation Police Officer" includes the positions
26 of Chief Conservation Police Administrator and Assistant

1 Conservation Police Administrator.

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

8 The term "investigator for the Illinois Gaming Board"
9 means any person employed as such by the Illinois Gaming
10 Board and vested with such peace officer duties as render
11 the person 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 (8) The term "security employee of the Department of
15 Human Services" means any person employed by the
16 Department of Human Services who (i) is employed at the
17 Chester Mental Health Center and has daily contact with
18 the residents thereof, (ii) is employed within a security
19 unit at a facility operated by the Department and has
20 daily contact with the residents of the security unit,
21 (iii) is employed at a facility operated by the Department
22 that includes a security unit and is regularly scheduled
23 to work at least 50% of his or her working hours within
24 that security unit, or (iv) is a mental health police
25 officer. "Mental health police officer" means any person
26 employed by the Department of Human Services in a position

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

15 The changes made to this subdivision (c)(8) by Public
16 Act 92-14 apply to persons who retire on or after January
17 1, 2001, notwithstanding Section 1-103.1.

18 (9) "Central Management Services security police
19 officer" means any person employed by the Department of
20 Central Management Services who is vested with such law
21 enforcement duties as render him ineligible for coverage
22 under the Social Security Act by reason of Sections
23 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

24 (10) For a member who first became an employee under
25 this Article before July 1, 2005, the term "security
26 employee of the Department of Corrections or the

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

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

22 (12) The term "investigator for the Illinois State
23 Police" means a person employed by the Illinois State
24 Police who is vested under Section 4 of the Narcotic
25 Control Division Abolition Act with such law enforcement
26 powers as render him ineligible for coverage under the

1 Social Security Act by reason of Sections 218(d)(5)(A),
2 218(d)(8)(D) and 218(1)(1) of that Act.

3 (13) "Investigator for the Office of the Attorney
4 General" means any person who is employed as such by the
5 Office of the Attorney General and is vested with such
6 investigative duties as render him ineligible for coverage
7 under the Social Security Act by reason of Sections
8 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act. For
9 the period before January 1, 1989, the term includes all
10 persons who were employed as investigators by the Office
11 of the Attorney General, without regard to social security
12 status.

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

22 (15) The term "investigator for the Office of the
23 State's Attorneys Appellate Prosecutor" means a person
24 employed in that capacity on a full-time basis under the
25 authority of Section 7.06 of the State's Attorneys
26 Appellate Prosecutor's Act.

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

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

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

25 (i) A person employed on a full-time basis by the
26 Illinois Department of Transportation in the position

1 of highway maintainer, highway maintenance lead
2 worker, highway maintenance lead/lead worker, heavy
3 construction equipment operator, power shovel
4 operator, or bridge mechanic; and whose principal
5 responsibility is to perform, on the roadway, the
6 actual maintenance necessary to keep the highways that
7 form a part of the State highway system in serviceable
8 condition for vehicular traffic.

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

22 (19) The term "security employee of the Department of
23 Innovation and Technology" means a person who was a
24 security employee of the Department of Corrections or the
25 Department of Juvenile Justice, was transferred to the
26 Department of Innovation and Technology pursuant to

1 Executive Order 2016-01, and continues to perform similar
2 job functions under that Department.

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

10 (21) "Investigator for the Department of the Lottery"
11 means any person who is employed by the Department of the
12 Lottery and is vested with such investigative duties which
13 render him or her ineligible for coverage under the Social
14 Security Act by reason of Sections 218(d)(5)(A),
15 218(d)(8)(D), and 218(1)(1) of that Act. An investigator
16 for the Department of the Lottery who qualifies under this
17 Section shall earn eligible creditable service and be
18 required to make contributions at the rate specified in
19 paragraph (3) of subsection (a) of Section 14-133 for all
20 periods of service as an investigator for the Department
21 of the Lottery.

22 (d) A security employee of the Department of Corrections
23 or the Department of Juvenile Justice, a security employee of
24 the Department of Human Services who is not a mental health
25 police officer, and a security employee of the Department of
26 Innovation and Technology shall not be eligible for the

1 alternative retirement annuity provided by this Section unless
2 he or she meets the following minimum age and service
3 requirements at the time of retirement:

4 (i) 25 years of eligible creditable service and age
5 55; or

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

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

12 (iv) beginning January 1, 1989, 25 years of eligible
13 creditable service and age 52, or 22 years of eligible
14 creditable service and age 55; or

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

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

21 Persons who have service credit under Article 16 of this
22 Code for service as a security employee of the Department of
23 Corrections or the Department of Juvenile Justice, or the
24 Department of Human Services in a position requiring
25 certification as a teacher may count such service toward
26 establishing their eligibility under the service requirements

1 of this Section; but such service may be used only for
2 establishing such eligibility, and not for the purpose of
3 increasing or calculating any benefit.

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

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

26 For purposes of calculating retirement annuities under

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

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

24 Subject to the limitation in subsection (i), a State
25 policeman may elect, not later than July 1, 1993, to establish
26 eligible creditable service for up to 10 years of his service

1 as a member of the County Police Department under Article 9, by
2 filing a written election with the Board, accompanied by
3 payment of an amount to be determined by the Board, equal to
4 (i) the difference between the amount of employee and employer
5 contributions transferred to the System under Section 9-121.10
6 and the amounts that would have been contributed had those
7 contributions been made at the rates applicable to State
8 policemen, plus (ii) interest thereon at the effective rate
9 for each year, compounded annually, from the date of service
10 to the date of payment.

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

24 Subject to the limitation in subsection (i), a State
25 policeman, conservation police officer, or investigator for
26 the Secretary of State may elect to establish eligible

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

12 Subject to the limitation in subsection (i), a State
13 policeman, conservation police officer, or investigator for
14 the Secretary of State may elect to establish eligible
15 creditable service for up to 5 years of service as a police
16 officer under Article 3, a policeman under Article 5, a
17 sheriff's law enforcement employee under Article 7, a member
18 of the county police department under Article 9, or a police
19 officer under Article 15 by filing a written election with the
20 Board and paying to the System an amount to be determined by
21 the Board, equal to (i) the difference between the amount of
22 employee and employer contributions transferred to the System
23 under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4
24 and the amounts that would have been contributed had such
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 Subject to the limitation in subsection (i), an
4 investigator for the Office of the Attorney General, or an
5 investigator for the Department of Revenue, may elect to
6 establish eligible creditable service for up to 5 years of
7 service as a police officer under Article 3, a policeman under
8 Article 5, a sheriff's law enforcement employee under Article
9 7, or a member of the county police department under Article 9
10 by filing a written election with the Board within 6 months
11 after August 25, 2009 (the effective date of Public Act
12 96-745) 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, or 9-121.10 and the
16 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 actuarially
19 assumed rate for each year, compounded annually, from the date
20 of service to the date of payment.

21 Subject to the limitation in subsection (i), a State
22 policeman, conservation police officer, investigator for the
23 Office of the Attorney General, an investigator for the
24 Department of Revenue, or investigator for the Secretary of
25 State may elect to establish eligible creditable service for
26 up to 5 years of service as a person employed by a

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

15 Subject to the limitation in subsection (i), a State
16 policeman, arson investigator, or Commerce Commission police
17 officer 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 under
20 Article 7, a county corrections officer, a court services
21 officer under Article 9, or a firefighter under Article 4 by
22 filing a written election with the Board within 6 months after
23 July 30, 2021 (the effective date of Public Act 102-210) and
24 paying to the System an amount to be determined by the Board
25 equal to (i) the difference between the amount of employee and
26 employer contributions transferred to the System under

1 Sections 4-108.8, 7-139.8, and 9-121.10 and the amounts that
2 would have been contributed had such contributions been made
3 at the rates applicable to State policemen, plus (ii) interest
4 thereon at the actuarially assumed rate for each year,
5 compounded annually, from the date of service to the date of
6 payment.

7 Subject to the limitation in subsection (i), a
8 conservation police officer may elect to establish eligible
9 creditable service for up to 5 years of service as a person
10 employed by a participating municipality to perform police
11 duties under Article 7, a county corrections officer, or a
12 court services officer under Article 9 by filing a written
13 election with the Board within 6 months after July 30, 2021
14 (the effective date of Public Act 102-210) and paying to the
15 System an amount to be determined by the Board equal to (i) the
16 difference between the amount of employee and employer
17 contributions transferred to the System under Sections 7-139.8
18 and 9-121.10 and the amounts that would have been contributed
19 had such contributions been made at the rates applicable to
20 State policemen, plus (ii) interest thereon at the actuarially
21 assumed rate for each year, compounded annually, from the date
22 of service to the date of payment.

23 Subject to the limitation in subsection (i), an
24 investigator for the Department of Revenue, investigator for
25 the Illinois Gaming Board, investigator for the Secretary of
26 State, or arson investigator may elect to establish eligible

1 creditable service for up to 5 years of service as a person
2 employed by a participating municipality to perform police
3 duties under Article 7, a county corrections officer, a court
4 services officer under Article 9, or a firefighter under
5 Article 4 by filing a written election with the Board within 6
6 months after the effective date of this amendatory Act of the
7 102nd General Assembly and paying to the System an amount to be
8 determined by the Board equal to (i) the difference between
9 the amount of employee and employer contributions transferred
10 to the System under Sections 4-108.8, 7-139.8, and 9-121.10
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 actuarially
14 assumed rate for each year, compounded annually, from the date
15 of service to the date of payment.

16 Notwithstanding the limitation in subsection (i), a State
17 policeman or conservation police officer may elect to convert
18 service credit earned under this Article to eligible
19 creditable service, as defined by this Section, by filing a
20 written election with the board within 6 months after July 30,
21 2021 (the effective date of Public Act 102-210) and paying to
22 the System an amount to be determined by the Board equal to (i)
23 the difference between the amount of employee contributions
24 originally paid for that service and the amounts that would
25 have been contributed had such contributions been made at the
26 rates applicable to State policemen, plus (ii) the difference

1 between the employer's normal cost of the credit prior to the
2 conversion authorized by Public Act 102-210 and the employer's
3 normal cost of the credit converted in accordance with Public
4 Act 102-210, plus (iii) interest thereon at the actuarially
5 assumed rate for each year, compounded annually, from the date
6 of service to the date of payment.

7 Notwithstanding the limitation in subsection (i), an
8 investigator for the Department of Revenue, investigator for
9 the Illinois Gaming Board, investigator for the Secretary of
10 State, or arson investigator may elect to convert service
11 credit earned under this Article to eligible creditable
12 service, as defined by this Section, by filing a written
13 election with the Board within 6 months after the effective
14 date of this amendatory Act of the 102nd General Assembly and
15 paying to the System an amount to be determined by the Board
16 equal to (i) the difference between the amount of employee
17 contributions originally paid for that service and the amounts
18 that would have been contributed had such contributions been
19 made at the rates applicable to investigators for the
20 Department of Revenue, investigators for the Illinois Gaming
21 Board, investigators for the Secretary of State, or arson
22 investigators, plus (ii) the difference between the employer's
23 normal cost of the credit prior to the conversion authorized
24 by this amendatory Act of the 102nd General Assembly and the
25 employer's normal cost of the credit converted in accordance
26 with this amendatory Act of the 102nd General Assembly, plus

1 (iii) interest thereon at the actuarially assumed rate for
2 each year, compounded annually, from the date of service to
3 the date of payment.

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

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

23 (k) Subject to the limitation in subsection (i) of this
24 Section, an alternative formula employee may elect to
25 establish eligible creditable service for periods spent as a
26 full-time law enforcement officer or full-time corrections

1 officer employed by the federal government or by a state or
2 local government located outside of Illinois, for which credit
3 is not held in any other public employee pension fund or
4 retirement system. To obtain this credit, the applicant must
5 file a written application with the Board by March 31, 1998,
6 accompanied by evidence of eligibility acceptable to the Board
7 and payment of an amount to be determined by the Board, equal
8 to (1) employee contributions for the credit being
9 established, based upon the applicant's salary on the first
10 day as an alternative formula employee after the employment
11 for which credit is being established and the rates then
12 applicable to alternative formula employees, plus (2) an
13 amount determined by the Board to be the employer's normal
14 cost of the benefits accrued for the credit being established,
15 plus (3) regular interest on the amounts in items (1) and (2)
16 from the first day as an alternative formula employee after
17 the employment for which credit is being established to the
18 date of payment.

19 (1) Subject to the limitation in subsection (i), a
20 security employee of the Department of Corrections may elect,
21 not later than July 1, 1998, to establish eligible creditable
22 service for up to 10 years of his or her service as a policeman
23 under Article 3, by filing a written election with the Board,
24 accompanied by payment of an amount to be determined by the
25 Board, equal to (i) the difference between the amount of
26 employee and employer contributions transferred to the System

1 under Section 3-110.5, and the amounts that would have been
2 contributed had such contributions been made at the rates
3 applicable to security employees of the Department of
4 Corrections, 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 (1-5) Subject to the limitation in subsection (i) of this
8 Section, a State policeman may elect to establish eligible
9 creditable service for up to 5 years of service as a full-time
10 law enforcement officer employed by the federal government or
11 by a state or local government located outside of Illinois for
12 which credit is not held in any other public employee pension
13 fund or retirement system. To obtain this credit, the
14 applicant must file a written application with the Board no
15 later than 3 years after January 1, 2020 (the effective date of
16 Public Act 101-610), accompanied by evidence of eligibility
17 acceptable to the Board and payment of an amount to be
18 determined by the Board, equal to (1) employee contributions
19 for the credit being established, based upon the applicant's
20 salary on the first day as an alternative formula employee
21 after the employment for which credit is being established and
22 the rates then applicable to alternative formula employees,
23 plus (2) an amount determined by the Board to be the employer's
24 normal cost of the benefits accrued for the credit being
25 established, plus (3) regular interest on the amounts in items
26 (1) and (2) from the first day as an alternative formula

1 employee after the employment for which credit is being
2 established to the date of payment.

3 (m) The amendatory changes to this Section made by Public
4 Act 94-696 apply only to: (1) security employees of the
5 Department of Juvenile Justice employed by the Department of
6 Corrections before June 1, 2006 (the effective date of Public
7 Act 94-696) and transferred to the Department of Juvenile
8 Justice by Public Act 94-696; and (2) persons employed by the
9 Department of Juvenile Justice on or after June 1, 2006 (the
10 effective date of Public Act 94-696) who are required by
11 subsection (b) of Section 3-2.5-15 of the Unified Code of
12 Corrections to have any bachelor's or advanced degree from an
13 accredited college or university or, in the case of persons
14 who provide vocational training, who are required to have
15 adequate knowledge in the skill for which they are providing
16 the vocational training.

17 Beginning with the pay period that immediately follows the
18 effective date of this amendatory Act of the 103rd General
19 Assembly, the bachelor's or advanced degree requirement of
20 subsection (b) of Section 3-2.5-15 of the Unified Code of
21 Corrections shall no longer determine the eligibility to earn
22 eligible creditable service for a person employed by the
23 Department of Juvenile Justice.

24 An employee may elect to convert into eligible creditable
25 service his or her creditable service earned with the
26 Department of Juvenile Justice while employed in a position

1 that required the employee to do any one or more of the
2 following: (1) participate or assist in the rehabilitative and
3 vocational training of delinquent youths; (2) supervise the
4 daily activities and assume direct and continuing
5 responsibility for the youth's security, welfare, and
6 development; or (3) participate in the personal rehabilitation
7 of delinquent youth by training, supervising, and assisting
8 lower-level personnel. To convert that creditable service to
9 eligible creditable service, the employee must pay to the
10 System the difference between the employee contributions
11 actually paid for that service and the amounts that would have
12 been contributed if the applicant were contributing at the
13 rate applicable to persons with the same Social Security
14 status earning eligible creditable service on the date of
15 application.

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

1 (o) Subject to the limitation in subsection (i), a
2 conservation police officer, investigator for the Secretary of
3 State, Commerce Commission police officer, investigator for
4 the Department of Revenue or the Illinois Gaming Board, or
5 arson investigator subject to subsection (g) of Section 1-160
6 may elect to convert up to 8 years of service credit
7 established before January 1, 2020 (the effective date of
8 Public Act 101-610) as a conservation police officer,
9 investigator for the Secretary of State, Commerce Commission
10 police officer, investigator for the Department of Revenue or
11 the Illinois Gaming Board, or arson investigator under this
12 Article into eligible creditable service by filing a written
13 election with the Board no later than one year after January 1,
14 2020 (the effective date of Public Act 101-610), accompanied
15 by payment of an amount to be determined by the Board equal to
16 (i) the difference between the amount of the employee
17 contributions actually paid for that service and the amount of
18 the employee contributions that would have been paid had the
19 employee contributions been made as a noncovered employee
20 serving in a position in which eligible creditable service, as
21 defined in this Section, may be earned, plus (ii) interest
22 thereon at the effective rate for each year, compounded
23 annually, from the date of service to the date of payment.
24 (Source: P.A. 102-210, eff. 7-30-21; 102-538, eff. 8-20-21;
25 102-856, eff. 1-1-23; 103-34, eff. 1-1-24.)

1 (Text of Section from P.A. 102-956 and 103-34)

2 Sec. 14-110. Alternative retirement annuity.

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

12 (i) for periods of service as a noncovered employee:
13 if retirement occurs on or after January 1, 2001, 3% of
14 final average compensation for each year of creditable
15 service; if retirement occurs before January 1, 2001, 2
16 1/4% of final average compensation for each of the first
17 10 years of creditable service, 2 1/2% for each year above
18 10 years to and including 20 years of creditable service,
19 and 2 3/4% for each year of creditable service above 20
20 years; and

21 (ii) for periods of eligible creditable service as a
22 covered employee: if retirement occurs on or after January
23 1, 2001, 2.5% of final average compensation for each year
24 of creditable service; if retirement occurs before January
25 1, 2001, 1.67% of final average compensation for each of
26 the first 10 years of such service, 1.90% for each of the

1 next 10 years of such service, 2.10% for each year of such
2 service in excess of 20 but not exceeding 30, and 2.30% for
3 each year in excess of 30.

4 Such annuity shall be subject to a maximum of 75% of final
5 average compensation if retirement occurs before January 1,
6 2001 or to a maximum of 80% of final average compensation if
7 retirement occurs on or after January 1, 2001.

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

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

16 (1) State policeman;

17 (2) fire fighter in the fire protection service of a
18 department;

19 (3) air pilot;

20 (4) special agent;

21 (5) investigator for the Secretary of State;

22 (6) conservation police officer;

23 (7) investigator for the Department of Revenue or the
24 Illinois Gaming Board;

25 (8) security employee of the Department of Human
26 Services;

1 (9) Central Management Services security police
2 officer;

3 (10) security employee of the Department of
4 Corrections or the Department of Juvenile Justice;

5 (11) dangerous drugs investigator;

6 (12) investigator for the Illinois State Police;

7 (13) investigator for the Office of the Attorney
8 General;

9 (14) controlled substance inspector;

10 (15) investigator for the Office of the State's
11 Attorneys Appellate Prosecutor;

12 (16) Commerce Commission police officer;

13 (17) arson investigator;

14 (18) State highway maintenance worker;

15 (19) security employee of the Department of Innovation
16 and Technology; ~~or~~

17 (20) transferred employee; or ~~or~~

18 (21) investigator for the Department of the Lottery.

19 A person employed in one of the positions specified in
20 this subsection is entitled to eligible creditable service for
21 service credit earned under this Article while undergoing the
22 basic police training course approved by the Illinois Law
23 Enforcement Training Standards Board, if completion of that
24 training is required of persons serving in that position. For
25 the purposes of this Code, service during the required basic
26 police training course shall be deemed performance of the

1 duties of the specified position, even though the person is
2 not a sworn peace officer at the time of the training.

3 A person under paragraph (20) is entitled to eligible
4 creditable service for service credit earned under this
5 Article on and after his or her transfer by Executive Order No.
6 2003-10, Executive Order No. 2004-2, or Executive Order No.
7 2016-1.

8 (c) For the purposes of this Section:

9 (1) The term "State policeman" includes any title or
10 position in the Illinois State Police that is held by an
11 individual employed under the Illinois State Police Act.

12 (2) The term "fire fighter in the fire protection
13 service of a department" includes all officers in such
14 fire protection service including fire chiefs and
15 assistant fire chiefs.

16 (3) The term "air pilot" includes any employee whose
17 official job description on file in the Department of
18 Central Management Services, or in the department by which
19 he is employed if that department is not covered by the
20 Personnel Code, states that his principal duty is the
21 operation of aircraft, and who possesses a pilot's
22 license; however, the change in this definition made by
23 Public Act 83-842 shall not operate to exclude any
24 noncovered employee who was an "air pilot" for the
25 purposes of this Section on January 1, 1984.

26 (4) The term "special agent" means any person who by

1 reason of employment by the Division of Narcotic Control,
2 the Bureau of Investigation or, after July 1, 1977, the
3 Division of Criminal Investigation, the Division of
4 Internal Investigation, the Division of Operations, the
5 Division of Patrol, or any other Division or
6 organizational entity in the Illinois State Police is
7 vested by law with duties to maintain public order,
8 investigate violations of the criminal law of this State,
9 enforce the laws of this State, make arrests and recover
10 property. The term "special agent" includes any title or
11 position in the Illinois State Police that is held by an
12 individual employed under the Illinois State Police Act.

13 (5) The term "investigator for the Secretary of State"
14 means any person employed by the Office of the Secretary
15 of State and vested with such investigative duties as
16 render him ineligible for coverage under the Social
17 Security Act by reason of Sections 218(d)(5)(A),
18 218(d)(8)(D) and 218(1)(1) of that Act.

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

1 20 years of credit for such service.

2 (6) The term "Conservation Police Officer" means any
3 person employed by the Division of Law Enforcement of the
4 Department of Natural Resources and vested with such law
5 enforcement duties as render him ineligible for coverage
6 under the Social Security Act by reason of Sections
7 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The
8 term "Conservation Police Officer" includes the positions
9 of Chief Conservation Police Administrator and Assistant
10 Conservation Police Administrator.

11 (7) The term "investigator for the Department of
12 Revenue" means any person employed by the Department of
13 Revenue and vested with such investigative duties as
14 render him 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.

17 The term "investigator for the Illinois Gaming Board"
18 means any person employed as such by the Illinois Gaming
19 Board and vested with such peace officer duties as render
20 the person 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.

23 (8) The term "security employee of the Department of
24 Human Services" means any person employed by the
25 Department of Human Services who (i) is employed at the
26 Chester Mental Health Center and has daily contact with

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

24 The changes made to this subdivision (c)(8) by Public
25 Act 92-14 apply to persons who retire on or after January
26 1, 2001, notwithstanding Section 1-103.1.

1 (9) "Central Management Services security police
2 officer" means any person employed by the Department of
3 Central Management Services who is vested with such law
4 enforcement duties as render him ineligible for coverage
5 under the Social Security Act by reason of Sections
6 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

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

1 of the sort team, or (vi) an investigator.

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

5 (12) The term "investigator for the Illinois State
6 Police" means a person employed by the Illinois State
7 Police who is vested under Section 4 of the Narcotic
8 Control Division Abolition Act with such law enforcement
9 powers as render him ineligible for coverage under the
10 Social Security Act by reason of Sections 218(d)(5)(A),
11 218(d)(8)(D) and 218(1)(1) of that Act.

12 (13) "Investigator for the Office of the Attorney
13 General" means any person who is employed as such by the
14 Office of the Attorney General and is vested with such
15 investigative duties as render him ineligible for coverage
16 under the Social Security Act by reason of Sections
17 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act. For
18 the period before January 1, 1989, the term includes all
19 persons who were employed as investigators by the Office
20 of the Attorney General, without regard to social security
21 status.

22 (14) "Controlled substance inspector" means any person
23 who is employed as such by the Department of Professional
24 Regulation and is vested with such law enforcement duties
25 as render him ineligible for coverage under the Social
26 Security Act by reason of Sections 218(d)(5)(A),

1 218(d)(8)(D) and 218(1)(1) of that Act. The term
2 "controlled substance inspector" includes the Program
3 Executive of Enforcement and the Assistant Program
4 Executive of Enforcement.

5 (15) The term "investigator for the Office of the
6 State's Attorneys Appellate Prosecutor" means a person
7 employed in that capacity on a full-time basis under the
8 authority of Section 7.06 of the State's Attorneys
9 Appellate Prosecutor's Act.

10 (16) "Commerce Commission police officer" means any
11 person employed by the Illinois Commerce Commission who is
12 vested with such law enforcement duties as render him
13 ineligible for coverage under the Social Security Act by
14 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and
15 218(1)(1) of that Act.

16 (17) "Arson investigator" means any person who is
17 employed as such by the Office of the State Fire Marshal
18 and is vested with such law enforcement duties as render
19 the person ineligible for coverage under the Social
20 Security Act by reason of Sections 218(d)(5)(A),
21 218(d)(8)(D), and 218(1)(1) of that Act. A person who was
22 employed as an arson investigator on January 1, 1995 and
23 is no longer in service but not yet receiving a retirement
24 annuity may convert his or her creditable service for
25 employment as an arson investigator into eligible
26 creditable service by paying to the System the difference

1 between the employee contributions actually paid for that
2 service and the amounts that would have been contributed
3 if the applicant were contributing at the rate applicable
4 to persons with the same social security status earning
5 eligible creditable service on the date of application.

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

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

18 (ii) A person employed on a full-time basis by the
19 Illinois State Toll Highway Authority in the position
20 of equipment operator/laborer H-4, equipment
21 operator/laborer H-6, welder H-4, welder H-6,
22 mechanical/electrical H-4, mechanical/electrical H-6,
23 water/sewer H-4, water/sewer H-6, sign maker/hanger
24 H-4, sign maker/hanger H-6, roadway lighting H-4,
25 roadway lighting H-6, structural H-4, structural H-6,
26 painter H-4, or painter H-6; and whose principal

1 responsibility is to perform, on the roadway, the
2 actual maintenance necessary to keep the Authority's
3 tollways in serviceable condition for vehicular
4 traffic.

5 (19) The term "security employee of the Department of
6 Innovation and Technology" means a person who was a
7 security employee of the Department of Corrections or the
8 Department of Juvenile Justice, was transferred to the
9 Department of Innovation and Technology pursuant to
10 Executive Order 2016-01, and continues to perform similar
11 job functions under that Department.

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

19 (21) "Investigator for the Department of the Lottery"
20 means any person who is employed by the Department of the
21 Lottery and is vested with such investigative duties which
22 render him or her ineligible for coverage under the Social
23 Security Act by reason of Sections 218(d)(5)(A),
24 218(d)(8)(D), and 218(1)(1) of that Act. An investigator
25 for the Department of the Lottery who qualifies under this
26 Section shall earn eligible creditable service and be

1 required to make contributions at the rate specified in
2 paragraph (3) of subsection (a) of Section 14-133 for all
3 periods of service as an investigator for the Department
4 of the Lottery.

5 (d) A security employee of the Department of Corrections
6 or the Department of Juvenile Justice, a security employee of
7 the Department of Human Services who is not a mental health
8 police officer, and a security employee of the Department of
9 Innovation and Technology shall not be eligible for the
10 alternative retirement annuity provided by this Section unless
11 he or she meets the following minimum age and service
12 requirements at the time of retirement:

13 (i) 25 years of eligible creditable service and age
14 55; or

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

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

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

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

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

4 Persons who have service credit under Article 16 of this
5 Code for service as a security employee of the Department of
6 Corrections or the Department of Juvenile Justice, or the
7 Department of Human Services in a position requiring
8 certification as a teacher may count such service toward
9 establishing their eligibility under the service requirements
10 of this Section; but such service may be used only for
11 establishing such eligibility, and not for the purpose of
12 increasing or calculating any benefit.

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

21 (f) For purposes of calculating retirement annuities under
22 this Section, periods of service rendered after December 31,
23 1968 and before October 1, 1975 as a covered employee in the
24 position of special agent, conservation police officer, mental
25 health police officer, or investigator for the Secretary of
26 State, shall be deemed to have been service as a noncovered

1 employee, provided that the employee pays to the System prior
2 to retirement an amount equal to (1) the difference between
3 the employee contributions that would have been required for
4 such service as a noncovered employee, and the amount of
5 employee contributions actually paid, plus (2) if payment is
6 made after July 31, 1987, regular interest on the amount
7 specified in item (1) from the date of service to the date of
8 payment.

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

21 (g) A State policeman may elect, not later than January 1,
22 1990, to establish eligible creditable service for up to 10
23 years of his service as a policeman under Article 3, by filing
24 a written election with the Board, accompanied by payment of
25 an amount to be determined by the Board, equal to (i) the
26 difference between the amount of employee and employer

1 contributions transferred to the System under Section 3-110.5,
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), a State
8 policeman may elect, not later than July 1, 1993, to establish
9 eligible creditable service for up to 10 years of his service
10 as a member of the County Police Department under Article 9, by
11 filing a written election with the Board, accompanied by
12 payment of an amount to be determined by the Board, equal to
13 (i) the difference between the amount of employee and employer
14 contributions transferred to the System under Section 9-121.10
15 and the amounts that would have been contributed had those
16 contributions been made at the rates applicable to State
17 policemen, 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 (h) Subject to the limitation in subsection (i), a State
21 policeman or investigator for the Secretary of State may elect
22 to establish eligible creditable service for up to 12 years of
23 his service as a policeman under Article 5, by filing a written
24 election with the Board on or before January 31, 1992, and
25 paying to the System by January 31, 1994 an amount to be
26 determined by the Board, equal to (i) the difference between

1 the amount of employee and employer contributions transferred
2 to the System under Section 5-236, and the amounts that would
3 have been contributed had such contributions been made at the
4 rates applicable to State policemen, plus (ii) interest
5 thereon at the effective 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, conservation police officer, or investigator for
9 the Secretary of State may elect to establish eligible
10 creditable service for up to 10 years of service as a sheriff's
11 law enforcement employee under Article 7, by filing a written
12 election with the Board on or before January 31, 1993, and
13 paying to the System by January 31, 1994 an amount to be
14 determined by the Board, equal to (i) the difference between
15 the amount of employee and employer contributions transferred
16 to the System under Section 7-139.7, and the amounts that
17 would have been contributed had such contributions been made
18 at the rates applicable to State policemen, plus (ii) interest
19 thereon at the effective rate for each year, compounded
20 annually, from the date of service to the date of payment.

21 Subject to the limitation in subsection (i), a State
22 policeman, conservation police officer, or investigator for
23 the Secretary of State may elect to establish eligible
24 creditable service for up to 5 years of service as a police
25 officer under Article 3, a policeman under Article 5, a
26 sheriff's law enforcement employee under Article 7, a member

1 of the county police department under Article 9, or a police
2 officer under Article 15 by filing a written election with the
3 Board and paying to the System an amount to be determined by
4 the Board, equal to (i) the difference between the amount of
5 employee and employer contributions transferred to the System
6 under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4
7 and the amounts that would have been contributed had such
8 contributions been made at the rates applicable to State
9 policemen, plus (ii) interest thereon at the effective rate
10 for each year, compounded annually, from the date of service
11 to the date of payment.

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

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

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

24 Subject to the limitation in subsection (i), a State
25 policeman, arson investigator, or Commerce Commission police
26 officer may elect to establish eligible creditable service for

1 up to 5 years of service as a person employed by a
2 participating municipality to perform police duties under
3 Article 7, a county corrections officer, a court services
4 officer under Article 9, or a firefighter under Article 4 by
5 filing a written election with the Board within 6 months after
6 July 30, 2021 (the effective date of Public Act 102-210) and
7 paying to the System an amount to be determined by the Board
8 equal to (i) the difference between the amount of employee and
9 employer contributions transferred to the System under
10 Sections 4-108.8, 7-139.8, and 9-121.10 and the amounts that
11 would have been contributed had such contributions been made
12 at the rates applicable to State policemen, plus (ii) interest
13 thereon at the actuarially assumed rate for each year,
14 compounded annually, from the date of service to the date of
15 payment.

16 Subject to the limitation in subsection (i), a
17 conservation police officer may elect to establish eligible
18 creditable service for up to 5 years of service as a person
19 employed by a participating municipality to perform police
20 duties under Article 7, a county corrections officer, or a
21 court services officer under Article 9 by filing a written
22 election with the Board within 6 months after July 30, 2021
23 (the effective date of Public Act 102-210) and paying to the
24 System an amount to be determined by the Board equal to (i) the
25 difference between the amount of employee and employer
26 contributions transferred to the System under Sections 7-139.8

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

6 Notwithstanding the limitation in subsection (i), a State
7 policeman or conservation police officer may elect to convert
8 service credit earned under this Article to eligible
9 creditable service, as defined by this Section, by filing a
10 written election with the board within 6 months after July 30,
11 2021 (the effective date of Public Act 102-210) and paying to
12 the System an amount to be determined by the Board equal to (i)
13 the difference between the amount of employee contributions
14 originally paid for that service and the amounts that would
15 have been contributed had such contributions been made at the
16 rates applicable to State policemen, plus (ii) the difference
17 between the employer's normal cost of the credit prior to the
18 conversion authorized by Public Act 102-210 and the employer's
19 normal cost of the credit converted in accordance with Public
20 Act 102-210, plus (iii) interest thereon at the actuarially
21 assumed rate for each year, compounded annually, from the date
22 of service to the date of payment.

23 (i) The total amount of eligible creditable service
24 established by any person under subsections (g), (h), (j),
25 (k), (l), (l-5), (o), and (p) of this Section shall not exceed
26 12 years.

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

16 (k) Subject to the limitation in subsection (i) of this
17 Section, an alternative formula employee may elect to
18 establish eligible creditable service for periods spent as a
19 full-time law enforcement officer or full-time corrections
20 officer employed by the federal government or by a state or
21 local government located outside of Illinois, for which credit
22 is not held in any other public employee pension fund or
23 retirement system. To obtain this credit, the applicant must
24 file a written application with the Board by March 31, 1998,
25 accompanied by evidence of eligibility acceptable to the Board
26 and payment of an amount to be determined by the Board, equal

1 to (1) employee contributions for the credit being
2 established, based upon the applicant's salary on the first
3 day as an alternative formula employee after the employment
4 for which credit is being established and the rates then
5 applicable to alternative formula employees, plus (2) an
6 amount determined by the Board to be the employer's normal
7 cost of the benefits accrued for the credit being established,
8 plus (3) regular interest on the amounts in items (1) and (2)
9 from the first day as an alternative formula employee after
10 the employment for which credit is being established to the
11 date of payment.

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

26 (1-5) Subject to the limitation in subsection (i) of this

1 Section, a State policeman may elect to establish eligible
2 creditable service for up to 5 years of service as a full-time
3 law enforcement officer employed by the federal government or
4 by a state or local government located outside of Illinois for
5 which credit is not held in any other public employee pension
6 fund or retirement system. To obtain this credit, the
7 applicant must file a written application with the Board no
8 later than 3 years after January 1, 2020 (the effective date of
9 Public Act 101-610), accompanied by evidence of eligibility
10 acceptable to the Board and payment of an amount to be
11 determined by the Board, equal to (1) employee contributions
12 for the credit being established, based upon the applicant's
13 salary on the first day as an alternative formula employee
14 after the employment for which credit is being established and
15 the rates then applicable to alternative formula employees,
16 plus (2) an amount determined by the Board to be the employer's
17 normal cost of the benefits accrued for the credit being
18 established, plus (3) regular interest on the amounts in items
19 (1) and (2) from the first day as an alternative formula
20 employee after the employment for which credit is being
21 established to the date of payment.

22 (m) The amendatory changes to this Section made by Public
23 Act 94-696 apply only to: (1) security employees of the
24 Department of Juvenile Justice employed by the Department of
25 Corrections before June 1, 2006 (the effective date of Public
26 Act 94-696) and transferred to the Department of Juvenile

1 Justice by Public Act 94-696; and (2) persons employed by the
2 Department of Juvenile Justice on or after June 1, 2006 (the
3 effective date of Public Act 94-696) who are required by
4 subsection (b) of Section 3-2.5-15 of the Unified Code of
5 Corrections to have any bachelor's or advanced degree from an
6 accredited college or university or, in the case of persons
7 who provide vocational training, who are required to have
8 adequate knowledge in the skill for which they are providing
9 the vocational training.

10 Beginning with the pay period that immediately follows the
11 effective date of this amendatory Act of the 103rd General
12 Assembly, the bachelor's or advanced degree requirement of
13 subsection (b) of Section 3-2.5-15 of the Unified Code of
14 Corrections shall no longer determine the eligibility to earn
15 eligible creditable service for a person employed by the
16 Department of Juvenile Justice.

17 An employee may elect to convert into eligible creditable
18 service his or her creditable service earned with the
19 Department of Juvenile Justice while employed in a position
20 that required the employee to do any one or more of the
21 following: (1) participate or assist in the rehabilitative and
22 vocational training of delinquent youths; (2) supervise the
23 daily activities and assume direct and continuing
24 responsibility for the youth's security, welfare, and
25 development; or (3) participate in the personal rehabilitation
26 of delinquent youth by training, supervising, and assisting

1 lower-level personnel. To convert that creditable service to
2 eligible creditable service, the employee must pay to the
3 System the difference between the employee contributions
4 actually paid for that service and the amounts that would have
5 been contributed if the applicant were contributing at the
6 rate applicable to persons with the same Social Security
7 status earning eligible creditable service on the date of
8 application.

9 (n) A person employed in a position under subsection (b)
10 of this Section who has purchased service credit under
11 subsection (j) of Section 14-104 or subsection (b) of Section
12 14-105 in any other capacity under this Article may convert up
13 to 5 years of that service credit into service credit covered
14 under this Section by paying to the Fund an amount equal to (1)
15 the additional employee contribution required under Section
16 14-133, plus (2) the additional employer contribution required
17 under Section 14-131, plus (3) interest on items (1) and (2) at
18 the actuarially assumed rate from the date of the service to
19 the date of payment.

20 (o) Subject to the limitation in subsection (i), a
21 conservation police officer, investigator for the Secretary of
22 State, Commerce Commission police officer, investigator for
23 the Department of Revenue or the Illinois Gaming Board, or
24 arson investigator subject to subsection (g) of Section 1-160
25 may elect to convert up to 8 years of service credit
26 established before January 1, 2020 (the effective date of

1 Public Act 101-610) as a conservation police officer,
2 investigator for the Secretary of State, Commerce Commission
3 police officer, investigator for the Department of Revenue or
4 the Illinois Gaming Board, or arson investigator under this
5 Article into eligible creditable service by filing a written
6 election with the Board no later than one year after January 1,
7 2020 (the effective date of Public Act 101-610), accompanied
8 by payment of an amount to be determined by the Board equal to
9 (i) the difference between the amount of the employee
10 contributions actually paid for that service and the amount of
11 the employee contributions that would have been paid had the
12 employee contributions been made as a noncovered employee
13 serving in a position in which eligible creditable service, as
14 defined in this Section, may be earned, plus (ii) interest
15 thereon at the effective rate for each year, compounded
16 annually, from the date of service to the date of payment.

17 (p) Subject to the limitation in subsection (i), an
18 investigator for the Office of the Attorney General subject to
19 subsection (g) of Section 1-160 may elect to convert up to 8
20 years of service credit established before the effective date
21 of this amendatory Act of the 102nd General Assembly as an
22 investigator for the Office of the Attorney General under this
23 Article into eligible creditable service by filing a written
24 election with the Board no later than one year after the
25 effective date of this amendatory Act of the 102nd General
26 Assembly, accompanied by payment of an amount to be determined

1 by the Board equal to (i) the difference between the amount of
2 the employee contributions actually paid for that service and
3 the amount of the employee contributions that would have been
4 paid had the employee contributions been made as a noncovered
5 employee serving in a position in which eligible creditable
6 service, as defined in this Section, may be earned, plus (ii)
7 interest thereon at the effective rate for each year,
8 compounded annually, from the date of service to the date of
9 payment.

10 (Source: P.A. 102-210, eff. 7-30-21; 102-538, eff. 8-20-21;
11 102-956, eff. 5-27-22; 103-34, eff. 1-1-24.)

12 (40 ILCS 5/14-152.1)

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

15 (a) As used in this Section, "new benefit increase" means
16 an increase in the amount of any benefit provided under this
17 Article, or an expansion of the conditions of eligibility for
18 any benefit under this Article, that results from an amendment
19 to this Code that takes effect after June 1, 2005 (the
20 effective date of Public Act 94-4). "New benefit increase",
21 however, does not include any benefit increase resulting from
22 the changes made to Article 1 or this Article by Public Act
23 96-37, Public Act 100-23, Public Act 100-587, Public Act
24 100-611, Public Act 101-10, Public Act 101-610, Public Act
25 102-210, Public Act 102-856, Public Act 102-956, or this

1 amendatory Act of the 103rd General Assembly ~~this amendatory~~
2 ~~Act of the 102nd General Assembly.~~

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

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

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

1 made.

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

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

18 (Source: P.A. 101-10, eff. 6-5-19; 101-81, eff. 7-12-19;
19 101-610, eff. 1-1-20; 102-210, eff. 7-30-21; 102-856, eff.
20 1-1-23; 102-956, eff. 5-27-22.)

21 (40 ILCS 5/17-114) (from Ch. 108 1/2, par. 17-114)
22 Sec. 17-114. Computation of service.

23 (a) When computing days of validated service, contributors
24 shall receive the greater of: (1) one day of service credit for
25 each day for which they are paid salary representing a partial

1 or a full day of employment rendered to an Employer or the
2 Board; or (2) 10 days of service credit for each 10-day period
3 of employment in which the contributor worked 50% or more of
4 the regularly scheduled hours.

5 (b) When computing months of validated service, 17 or more
6 days of service rendered to an Employer or the Board in a
7 calendar month shall entitle a contributor to one month of
8 service credit for purposes of this Article.

9 (c) When computing years of validated service rendered,
10 170 or more days of service in a fiscal year or 10 or more
11 months of service in a fiscal year shall constitute one year of
12 service credit.

13 (d) Notwithstanding subsections (b) and (c) of this
14 Section, validated service in any fiscal year shall be that
15 fraction of a year equal to the ratio of the number of days of
16 service to 170 days.

17 (e) For purposes of this Section, no contributor shall
18 earn (i) more than one year of service credit per fiscal year,
19 (ii) more than one day of service credit per calendar day, or
20 (iii) more than 10 days of service credit in a 2 calendar week
21 period as determined by the Fund.

22 (Source: P.A. 99-176, eff. 7-29-15.)

23 Section 90. The State Mandates Act is amended by adding
24 Section 8.48 as follows:

1 (30 ILCS 805/8.48 new)

2 Sec. 8.48. 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 103rd General Assembly."