



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB2162

Introduced 2/10/2023, by Sen. Doris Turner

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/1-160  
40 ILCS 5/14-152.1

Amends the General Provisions and State Employee Articles of the Illinois Pension Code. Provides that a security employee of the Department of Corrections or the Department of Juvenile Justice under the Tier 2 provisions is entitled to an annuity calculated under the alternative retirement formula, in lieu of the regular or minimum retirement annuity, only if the person has withdrawn from service with not less than 20 years of eligible creditable service and has attained age 55 (instead of age 60), regardless of whether the attainment of age 55 (instead of age 60) occurs while the person is still in service. Provides that any benefit increase that results from the amendatory Act is excluded from the definition of "new benefit increase". Effective immediately.

LRB103 27597 RPS 53973 b

1 AN ACT concerning public employee benefits.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Pension Code is amended by  
5 changing Sections 1-160 and 14-152.1 as follows:

6 (40 ILCS 5/1-160)

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

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

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

1 7-109.4 of this Code or who participated in a retirement  
2 system under Article 15 prior to January 1, 2011 shall be  
3 deemed a person who first became a member or participant prior  
4 to January 1, 2011 under any retirement system or pension fund  
5 subject to this Section. The changes made to this Section by  
6 Public Act 98-596 are a clarification of existing law and are  
7 intended to be retroactive to January 1, 2011 (the effective  
8 date of Public Act 96-889), notwithstanding the provisions of  
9 Section 1-103.1 of this Code.

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

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

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

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

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

21           (1) (Blank).

22           (2) In Articles 8, 9, 10, 11, and 12, "highest average  
23 annual salary for any 4 consecutive years within the last  
24 10 years of service immediately preceding the date of  
25 withdrawal".

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

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

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

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

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

11 (A) the amount otherwise calculated under the first  
12 paragraph of this subsection; or

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

22 (b-5) Beginning on January 1, 2011, for all purposes under  
23 this Code (including without limitation the calculation of  
24 benefits and employee contributions), the annual earnings,  
25 salary, or wages (based on the plan year) of a member or  
26 participant to whom this Section applies shall not exceed

1 \$106,800; however, that amount shall annually thereafter be  
2 increased by the lesser of (i) 3% of that amount, including all  
3 previous adjustments, or (ii) one-half the annual unadjusted  
4 percentage increase (but not less than zero) in the consumer  
5 price index-u for the 12 months ending with the September  
6 preceding each November 1, including all previous adjustments.

7 For the purposes of this Section, "consumer price index-u"  
8 means the index published by the Bureau of Labor Statistics of  
9 the United States Department of Labor that measures the  
10 average change in prices of goods and services purchased by  
11 all urban consumers, United States city average, all items,  
12 1982-84 = 100. The new amount resulting from each annual  
13 adjustment shall be determined by the Public Pension Division  
14 of the Department of Insurance and made available to the  
15 boards of the retirement systems and pension funds by November  
16 1 of each year.

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

26 A member or participant who has attained age 62 (age 60,

1 with respect to service under Article 12 that is subject to  
2 this Section, for a member or participant under Article 12 who  
3 first becomes a member or participant under Article 12 on or  
4 after January 1, 2022 or who makes the election under item (i)  
5 of subsection (d-15) of this Section) and has at least 10 years  
6 of service credit and is otherwise eligible under the  
7 requirements of the applicable Article may elect to receive  
8 the lower retirement annuity provided in subsection (d) of  
9 this Section.

10 (c-5) A person who first becomes a member or a participant  
11 subject to this Section on or after July 6, 2017 (the effective  
12 date of Public Act 100-23), notwithstanding any other  
13 provision of this Code to the contrary, is entitled to a  
14 retirement annuity under Article 8 or Article 11 upon written  
15 application if he or she has attained age 65 and has at least  
16 10 years of service credit and is otherwise eligible under the  
17 requirements of Article 8 or Article 11 of this Code,  
18 whichever is applicable.

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

1 that the member's age is under age 67 (age 65, with respect to  
2 service under Article 12 that is subject to this Section, for a  
3 member or participant under Article 12 who first becomes a  
4 member or participant under Article 12 on or after January 1,  
5 2022 or who makes the election under item (i) of subsection  
6 (d-15) of this Section).

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

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

17 (i) to be eligible for the reduced retirement age  
18 provided in subsections (c-5) and (d-5) of this Section,  
19 the eligibility for which is conditioned upon the member  
20 or participant agreeing to the increases in employee  
21 contributions for age and service annuities provided in  
22 subsection (a-5) of Section 8-174 of this Code (for  
23 service under Article 8) or subsection (a-5) of Section  
24 11-170 of this Code (for service under Article 11); or

25 (ii) to not agree to item (i) of this subsection  
26 (d-10), in which case the member or participant shall



1 continue to be subject to the retirement age provisions in  
2 subsections (c) and (d) of this Section and the employee  
3 contributions for age and service annuity as provided in  
4 subsection (a) of Section 8-174 of this Code (for service  
5 under Article 8) or subsection (a) of Section 11-170 of  
6 this Code (for service under Article 11).

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

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

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

24 (ii) to not agree to item (i) of this subsection  
25 (d-15), in which case the member or participant shall not  
26 be eligible for the reduced retirement age specified in

1 subsections (c) and (d) of this Section and shall not be  
2 subject to the increase in employee contributions for  
3 service annuities specified in subsection (b) of Section  
4 12-150.

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

12 (e) Any retirement annuity or supplemental annuity shall  
13 be subject to annual increases on the January 1 occurring  
14 either on or after the attainment of age 67 (age 65, with  
15 respect to service under Article 12 that is subject to this  
16 Section, for a member or participant under Article 12 who  
17 first becomes a member or participant under Article 12 on or  
18 after January 1, 2022 or who makes the election under item (i)  
19 of subsection (d-15); and beginning on July 6, 2017 (the  
20 effective date of Public Act 100-23), age 65 with respect to  
21 service under Article 8 or Article 11 for eligible persons  
22 who: (i) are subject to subsection (c-5) of this Section; or  
23 (ii) made the election under item (i) of subsection (d-10) of  
24 this Section) or the first anniversary of the annuity start  
25 date, whichever is later. Each annual increase shall be  
26 calculated at 3% or one-half the annual unadjusted percentage

1 increase (but not less than zero) in the consumer price  
2 index-u for the 12 months ending with the September preceding  
3 each November 1, whichever is less, of the originally granted  
4 retirement annuity. If the annual unadjusted percentage change  
5 in the consumer price index-u for the 12 months ending with the  
6 September preceding each November 1 is zero or there is a  
7 decrease, then the annuity shall not be increased.

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

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

18 (f) The initial survivor's or widow's annuity of an  
19 otherwise eligible survivor or widow of a retired member or  
20 participant who first became a member or participant on or  
21 after January 1, 2011 shall be in the amount of 66 2/3% of the  
22 retired member's or participant's retirement annuity at the  
23 date of death. In the case of the death of a member or  
24 participant who has not retired and who first became a member  
25 or participant on or after January 1, 2011, eligibility for a  
26 survivor's or widow's annuity shall be determined by the

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

19 (g) The benefits in Section 14-110 apply if the person is a  
20 fire fighter in the fire protection service of a department,~~a~~  
21 ~~security employee of the Department of Corrections or the~~  
22 ~~Department of Juvenile Justice,~~ or a security employee of the  
23 Department of Innovation and Technology, as those terms are  
24 defined in subsection (b) and subsection (c) of Section  
25 14-110. A person who meets the requirements of this Section is  
26 entitled to an annuity calculated under the provisions of

1 Section 14-110, in lieu of the regular or minimum retirement  
2 annuity, only if the person has withdrawn from service with  
3 not less than 20 years of eligible creditable service and has  
4 attained age 60, regardless of whether the attainment of age  
5 60 occurs while the person is still in service.

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

17 (g-5) The benefits in Section 14-110 apply if the person  
18 is a State policeman, investigator for the Secretary of State,  
19 conservation police officer, investigator for the Department  
20 of Revenue or the Illinois Gaming Board, investigator for the  
21 Office of the Attorney General, Commerce Commission police  
22 officer, or arson investigator, as those terms are defined in  
23 subsection (b) and subsection (c) of Section 14-110. A person  
24 who meets the requirements of this Section is entitled to an  
25 annuity calculated under the provisions of Section 14-110, in  
26 lieu of the regular or minimum retirement annuity, only if the

1 person has withdrawn from service with not less than 20 years  
2 of eligible creditable service and has attained age 55,  
3 regardless of whether the attainment of age 55 occurs while  
4 the person is still in service.

5 (h) If a person who first becomes a member or a participant  
6 of a retirement system or pension fund subject to this Section  
7 on or after January 1, 2011 is receiving a retirement annuity  
8 or retirement pension under that system or fund and becomes a  
9 member or participant under any other system or fund created  
10 by this Code and is employed on a full-time basis, except for  
11 those members or participants exempted from the provisions of  
12 this Section under subsection (a) of this Section, then the  
13 person's retirement annuity or retirement pension under that  
14 system or fund shall be suspended during that employment. Upon  
15 termination of that employment, the person's retirement  
16 annuity or retirement pension payments shall resume and be  
17 recalculated if recalculation is provided for under the  
18 applicable Article of this Code.

19 If a person who first becomes a member of a retirement  
20 system or pension fund subject to this Section on or after  
21 January 1, 2012 and is receiving a retirement annuity or  
22 retirement pension under that system or fund and accepts on a  
23 contractual basis a position to provide services to a  
24 governmental entity from which he or she has retired, then  
25 that person's annuity or retirement pension earned as an  
26 active employee of the employer shall be suspended during that

1 contractual service. A person receiving an annuity or  
2 retirement pension under this Code shall notify the pension  
3 fund or retirement system from which he or she is receiving an  
4 annuity or retirement pension, as well as his or her  
5 contractual employer, of his or her retirement status before  
6 accepting contractual employment. A person who fails to submit  
7 such notification shall be guilty of a Class A misdemeanor and  
8 required to pay a fine of \$1,000. Upon termination of that  
9 contractual employment, the person's retirement annuity or  
10 retirement pension payments shall resume and, if appropriate,  
11 be recalculated under the applicable provisions of this Code.

12 (i) (Blank).

13 (j) In the case of a conflict between the provisions of  
14 this Section and any other provision of this Code, the  
15 provisions of this Section shall control.

16 (Source: P.A. 101-610, eff. 1-1-20; 102-16, eff. 6-17-21;  
17 102-210, eff. 1-1-22; 102-263, eff. 8-6-21; 102-719, eff.  
18 5-6-22.)

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

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

21 (a) The provisions of this Section apply to a person who,  
22 on or after January 1, 2011, first becomes a member or a  
23 participant under any reciprocal retirement system or pension  
24 fund established under this Code, other than a retirement  
25 system or pension fund established under Article 2, 3, 4, 5, 6,

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

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



1           This Section does not apply to a person who first becomes a  
2 member or participant under Article 16 on or after the  
3 implementation date of the plan created under Section 1-161  
4 for that Article, unless that person elects under subsection  
5 (b) of Section 1-161 to instead receive the benefits provided  
6 under this Section and the applicable provisions of that  
7 Article.

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

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

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

1 person who first becomes a member or participant of any  
2 retirement system or pension fund to which this Section  
3 applies on or after January 1, 2011, in this Code, "final  
4 average salary" shall be substituted for the following:

5 (1) (Blank).

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

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

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

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

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

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

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

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

1 to the member or participant during the 96 months (or 8  
2 years) of service within the last 120 months (or 10 years)  
3 of service in which the total salary or earnings  
4 calculated under the Article was the highest by the number  
5 of months (or years) of service in that period.

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

17 For the purposes of this Section, "consumer price index-u"  
18 means the index published by the Bureau of Labor Statistics of  
19 the United States Department of Labor that measures the  
20 average change in prices of goods and services purchased by  
21 all urban consumers, United States city average, all items,  
22 1982-84 = 100. The new amount resulting from each annual  
23 adjustment shall be determined by the Public Pension Division  
24 of the Department of Insurance and made available to the  
25 boards of the retirement systems and pension funds by November  
26 1 of each year.

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 ~~only~~ if the  
4 person is a State policeman, a fire fighter in the fire  
5 protection service of a department, a conservation police  
6 officer, an investigator for the Secretary of State, an arson  
7 investigator, a Commerce Commission police officer,  
8 investigator for the Department of Revenue or the Illinois  
9 Gaming Board, ~~a security employee of the Department of~~  
10 ~~Corrections or the Department of Juvenile Justice,~~ or a  
11 security employee of the Department of Innovation and  
12 Technology, as those terms are defined in subsection (b) and  
13 subsection (c) of Section 14-110. A person who meets the  
14 requirements of this Section is entitled to an annuity  
15 calculated under the provisions of Section 14-110, in lieu of  
16 the regular or minimum retirement annuity, only if the person  
17 has withdrawn from service with not less than 20 years of  
18 eligible creditable service and has attained age 60,  
19 regardless of whether the attainment of age 60 occurs while  
20 the person is still in service.

21 (g-1) The benefits in Section 14-110 apply if the person  
22 is a security employee of the Department of Corrections or the  
23 Department of Juvenile Justice, as those terms are defined in  
24 subsection (b) and subsection (c) of Section 14-110. A person  
25 who meets the requirements of this Section is entitled to an  
26 annuity calculated under the provisions of Section 14-110, in

1 lieu of the regular or minimum retirement annuity, only if the  
2 person has withdrawn from service with not less than 20 years  
3 of eligible creditable service and has attained age 55,  
4 regardless of whether the attainment of age 55 occurs while  
5 the person is still in service.

6 (h) If a person who first becomes a member or a participant  
7 of a retirement system or pension fund subject to this Section  
8 on or after January 1, 2011 is receiving a retirement annuity  
9 or retirement pension under that system or fund and becomes a  
10 member or participant under any other system or fund created  
11 by this Code and is employed on a full-time basis, except for  
12 those members or participants exempted from the provisions of  
13 this Section under subsection (a) of this Section, then the  
14 person's retirement annuity or retirement pension under that  
15 system or fund shall be suspended during that employment. Upon  
16 termination of that employment, the person's retirement  
17 annuity or retirement pension payments shall resume and be  
18 recalculated if recalculation is provided for under the  
19 applicable Article of this Code.

20 If a person who first becomes a member of a retirement  
21 system or pension fund subject to this Section on or after  
22 January 1, 2012 and is receiving a retirement annuity or  
23 retirement pension under that system or fund and accepts on a  
24 contractual basis a position to provide services to a  
25 governmental entity from which he or she has retired, then  
26 that person's annuity or retirement pension earned as an

1 active employee of the employer shall be suspended during that  
2 contractual service. A person receiving an annuity or  
3 retirement pension under this Code shall notify the pension  
4 fund or retirement system from which he or she is receiving an  
5 annuity or retirement pension, as well as his or her  
6 contractual employer, of his or her retirement status before  
7 accepting contractual employment. A person who fails to submit  
8 such notification shall be guilty of a Class A misdemeanor and  
9 required to pay a fine of \$1,000. Upon termination of that  
10 contractual employment, the person's retirement annuity or  
11 retirement pension payments shall resume and, if appropriate,  
12 be recalculated under the applicable provisions of this Code.

13 (i) (Blank).

14 (j) In the case of a conflict between the provisions of  
15 this Section and any other provision of this Code, the  
16 provisions of this Section shall control.

17 (Source: P.A. 101-610, eff. 1-1-20; 102-16, eff. 6-17-21;  
18 102-210, eff. 1-1-22; 102-263, eff. 8-6-21; 102-813, eff.  
19 5-13-22.)

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

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

22 (a) The provisions of this Section apply to a person who,  
23 on or after January 1, 2011, first becomes a member or a  
24 participant under any reciprocal retirement system or pension  
25 fund established under this Code, other than a retirement

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

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

1 Article.

2 This Section does not apply to a person who first becomes a  
3 member or participant under Article 16 on or after the  
4 implementation date of the plan created under Section 1-161  
5 for that Article, unless that person elects under subsection  
6 (b) of Section 1-161 to instead receive the benefits provided  
7 under this Section and the applicable provisions of that  
8 Article.

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

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

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

1 (or years) of service in that period. For the purposes of a  
2 person who first becomes a member or participant of any  
3 retirement system or pension fund to which this Section  
4 applies on or after January 1, 2011, in this Code, "final  
5 average salary" shall be substituted for the following:

6 (1) (Blank).

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

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

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

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

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

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

22 (A) the amount otherwise calculated under the first  
23 paragraph of this subsection; or

24 (B) an amount calculated by the Teachers' Retirement  
25 System of the State of Illinois using the average of the  
26 monthly (or annual) salary obtained by dividing the total

1 salary or earnings calculated under Article 16 applicable  
2 to the member or participant during the 96 months (or 8  
3 years) of service within the last 120 months (or 10 years)  
4 of service in which the total salary or earnings  
5 calculated under the Article was the highest by the number  
6 of months (or years) of service in that period.

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

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



1 1 of each year.

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

11 A member or participant who has attained age 62 (age 60,  
12 with respect to service under Article 12 that is subject to  
13 this 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) of this Section) and has at least 10 years  
17 of service credit and is otherwise eligible under the  
18 requirements of the applicable Article may elect to receive  
19 the lower retirement annuity provided in subsection (d) of  
20 this Section.

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

1 10 years of service credit and is otherwise eligible under the  
2 requirements of Article 8 or Article 11 of this Code,  
3 whichever is applicable.

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

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

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

1 either:

2 (i) to be eligible for the reduced retirement age  
3 provided in subsections (c-5) and (d-5) of this Section,  
4 the eligibility for which is conditioned upon the member  
5 or participant agreeing to the increases in employee  
6 contributions for age and service annuities provided in  
7 subsection (a-5) of Section 8-174 of this Code (for  
8 service under Article 8) or subsection (a-5) of Section  
9 11-170 of this Code (for service under Article 11); or

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

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

25 (d-15) Each person who first becomes a member or  
26 participant under Article 12 on or after January 1, 2011 and

1 prior to January 1, 2022 shall make an irrevocable election  
2 either:

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

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

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

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

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

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

24 For the purposes of Section 1-103.1 of this Code, the  
25 changes made to this Section by Public Act 100-23 are  
26 applicable without regard to whether the employee was in

1 active service on or after July 6, 2017 (the effective date of  
2 Public Act 100-23).

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

1 index-u for the 12 months ending with the September preceding  
2 each November 1 is zero or there is a decrease, then the  
3 annuity shall not be increased.

4 (g) The benefits in Section 14-110 apply ~~only~~ if the  
5 person is a State policeman, a fire fighter in the fire  
6 protection service of a department, a conservation police  
7 officer, an investigator for the Secretary of State, an  
8 investigator for the Office of the Attorney General, an arson  
9 investigator, a Commerce Commission police officer,  
10 investigator for the Department of Revenue or the Illinois  
11 Gaming Board, ~~a security employee of the Department of~~  
12 ~~Corrections or the Department of Juvenile Justice,~~ or a  
13 security employee of the Department of Innovation and  
14 Technology, as those terms are defined in subsection (b) and  
15 subsection (c) of Section 14-110. A person who meets the  
16 requirements of this Section is entitled to an annuity  
17 calculated under the provisions of Section 14-110, in lieu of  
18 the regular or minimum retirement annuity, only if the person  
19 has withdrawn from service with not less than 20 years of  
20 eligible creditable service and has attained age 60,  
21 regardless of whether the attainment of age 60 occurs while  
22 the person is still in service.

23 (g-1) The benefits in Section 14-110 apply if the person  
24 is a security employee of the Department of Corrections or the  
25 Department of Juvenile Justice, as those terms are defined in  
26 subsection (b) and subsection (c) of Section 14-110. A person

1 who meets the requirements of this Section is entitled to an  
2 annuity calculated under the provisions of Section 14-110, in  
3 lieu of the regular or minimum retirement annuity, only if the  
4 person has withdrawn from service with not less than 20 years  
5 of eligible creditable service and has attained age 55,  
6 regardless of whether the attainment of age 55 occurs while  
7 the person is still in service.

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

22 If a person who first becomes a member of a retirement  
23 system or pension fund subject to this Section on or after  
24 January 1, 2012 and is receiving a retirement annuity or  
25 retirement pension under that system or fund and accepts on a  
26 contractual basis a position to provide services to a



1 governmental entity from which he or she has retired, then  
2 that person's annuity or retirement pension earned as an  
3 active employee of the employer shall be suspended during that  
4 contractual service. A person receiving an annuity or  
5 retirement pension under this Code shall notify the pension  
6 fund or retirement system from which he or she is receiving an  
7 annuity or retirement pension, as well as his or her  
8 contractual employer, of his or her retirement status before  
9 accepting contractual employment. A person who fails to submit  
10 such notification shall be guilty of a Class A misdemeanor and  
11 required to pay a fine of \$1,000. Upon termination of that  
12 contractual employment, the person's retirement annuity or  
13 retirement pension payments shall resume and, if appropriate,  
14 be recalculated under the applicable provisions of this Code.

15 (i) (Blank).

16 (j) In the case of a conflict between the provisions of  
17 this Section and any other provision of this Code, the  
18 provisions of this Section shall control.

19 (Source: P.A. 101-610, eff. 1-1-20; 102-16, eff. 6-17-21;  
20 102-210, eff. 1-1-22; 102-263, eff. 8-6-21; 102-956, eff.  
21 5-27-22.)

22 (40 ILCS 5/14-152.1)

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

25 (a) As used in this Section, "new benefit increase" means

1 an increase in the amount of any benefit provided under this  
2 Article, or an expansion of the conditions of eligibility for  
3 any benefit under this Article, that results from an amendment  
4 to this Code that takes effect after June 1, 2005 (the  
5 effective date of Public Act 94-4). "New benefit increase",  
6 however, does not include any benefit increase resulting from  
7 the changes made to Article 1 or this Article by Public Act  
8 96-37, Public Act 100-23, Public Act 100-587, Public Act  
9 100-611, Public Act 101-10, Public Act 101-610, Public Act  
10 102-210, Public Act 102-856, Public Act 102-956, or this  
11 amendatory Act of the 103rd General Assembly ~~this amendatory~~  
12 ~~Act of the 102nd General Assembly.~~

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

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

22 Every new benefit increase is contingent upon the General  
23 Assembly providing the additional funding required under this  
24 subsection. The Commission on Government Forecasting and  
25 Accountability shall analyze whether adequate additional  
26 funding has been provided for the new benefit increase and

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

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

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

1 benefit increase was in effect.

2 (Source: P.A. 101-10, eff. 6-5-19; 101-81, eff. 7-12-19;  
3 101-610, eff. 1-1-20; 102-210, eff. 7-30-21; 102-856, eff.  
4 1-1-23; 102-956, eff. 5-27-22.)

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