



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB4742**

Introduced 1/12/2006, by Rep. Jay C. Hoffman

**SYNOPSIS AS INTRODUCED:**

40 ILCS 5/14-110

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

Amends the State Employee Article of the Illinois Pension Code. Makes a technical change in a Section relating to the alternative (State Police) formula.

LRB094 15924 AMC 51150 b

PENSION IMPACT  
NOTE ACT MAY  
APPLY

1 AN ACT concerning public employee benefits.

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

4 Section 5. The Illinois Pension Code is amended by changing  
5 Section 14-110 as follows:

6 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)

7 (Text of Section before amendment by P.A. 94-696)

8 Sec. 14-110. Alternative retirement annuity.

9 (a) Any member who has withdrawn from service with not less  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11 attained age 55, and any member who has withdrawn from service  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

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

26 (ii) for periods of eligible creditable service as a  
27 covered employee: if retirement occurs on or after January  
28 1, 2001, 2.5% of final average compensation for each year  
29 of creditable service; if retirement occurs before January  
30 1, 2001, 1.67% of final average compensation for each of  
31 the first 10 years of such service, 1.90% for each of the  
32 next 10 years of such service, 2.10% for each year of such

1 service in excess of 20 but not exceeding 30, and 2.30% for  
2 each year in excess of 30.

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

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

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

- 15 (1) State policeman;
- 16 (2) fire fighter in the fire protection service of a  
17 department;
- 18 (3) air pilot;
- 19 (4) special agent;
- 20 (5) investigator for the Secretary of State;
- 21 (6) conservation police officer;
- 22 (7) investigator for the Department of Revenue;
- 23 (8) security employee of the Department of Human  
24 Services;
- 25 (9) Central Management Services security police  
26 officer;
- 27 (10) security employee of the Department of  
28 Corrections;
- 29 (11) dangerous drugs investigator;
- 30 (12) investigator for the Department of State Police;
- 31 (13) investigator for the Office of the Attorney  
32 General;
- 33 (14) controlled substance inspector;
- 34 (15) investigator for the Office of the State's  
35 Attorneys Appellate Prosecutor;
- 36 (16) Commerce Commission police officer;

1 (17) arson investigator;

2 (18) State highway maintenance worker.

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

13 (c) For the purposes of this Section:

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

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

21 (3) The term "air pilot" includes any employee whose  
22 official job description on file in the Department of  
23 Central Management Services, or in the department by which  
24 he is employed if that department is not covered by the  
25 Personnel Code, states that his principal duty is the  
26 operation of aircraft, and who possesses a pilot's license;  
27 however, the change in this definition made by this  
28 amendatory Act of 1983 shall not operate to exclude any  
29 noncovered employee who was an "air pilot" for the purposes  
30 of this Section on January 1, 1984.

31 (4) The term "special agent" means any person who by  
32 reason of employment by the Division of Narcotic Control,  
33 the Bureau of Investigation or, after July 1, 1977, the  
34 Division of Criminal Investigation, the Division of  
35 Internal Investigation, the Division of Operations, or any  
36 other Division or organizational entity in the Department

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

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

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

22 (6) The term "Conservation Police Officer" means any  
23 person employed by the Division of Law Enforcement of the  
24 Department of Natural Resources and vested with such law  
25 enforcement duties as render him ineligible for coverage  
26 under the Social Security Act by reason of Sections  
27 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The  
28 term "Conservation Police Officer" includes the positions  
29 of Chief Conservation Police Administrator and Assistant  
30 Conservation Police Administrator.

31 (7) The term "investigator for the Department of  
32 Revenue" means any person employed by the Department of  
33 Revenue and vested with such investigative duties as render  
34 him ineligible for coverage under the Social Security Act  
35 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and  
36 218(1)(1) of that Act.

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

27           The changes made to this subdivision (c)(8) by Public  
28 Act 92-14 apply to persons who retire on or after January  
29 1, 2001, notwithstanding Section 1-103.1.

30           (9) "Central Management Services security police  
31 officer" means any person employed by the Department of  
32 Central Management Services who is vested with such law  
33 enforcement duties as render him ineligible for coverage  
34 under the Social Security Act by reason of Sections  
35 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

36           (10) For a member who first became an employee under

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

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

19 (12) The term "investigator for the Department of State  
20 Police" means a person employed by the Department of State  
21 Police who is vested under Section 4 of the Narcotic  
22 Control Division Abolition Act with such law enforcement  
23 powers as render him ineligible for coverage under the  
24 Social Security Act by reason of Sections 218(d)(5)(A),  
25 218(d)(8)(D) and 218(1)(1) of that Act.

26 (13) "Investigator for the Office of the Attorney  
27 General" means any person who is employed as such by the  
28 Office of the Attorney General and is vested with such  
29 investigative duties as render him ineligible for coverage  
30 under the Social Security Act by reason of Sections  
31 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act. For  
32 the period before January 1, 1989, the term includes all  
33 persons who were employed as investigators by the Office of  
34 the Attorney General, without regard to social security  
35 status.

36 (14) "Controlled substance inspector" means any person

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

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

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

20 (17) "Arson investigator" means any person who is  
21 employed as such by the Office of the State Fire Marshal  
22 and is vested with such law enforcement duties as render  
23 the person 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. A person who was  
26 employed as an arson investigator on January 1, 1995 and is  
27 no longer in service but not yet receiving a retirement  
28 annuity may convert his or her creditable service for  
29 employment as an arson investigator into eligible  
30 creditable service by paying to the System the difference  
31 between the employee contributions actually paid for that  
32 service and the amounts that would have been contributed if  
33 the applicant were contributing at the rate applicable to  
34 persons with the same social security status earning  
35 eligible creditable service on the date of application.

36 (18) The term "State highway maintenance worker" means



1 a person who is either of the following:

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

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

25 (d) A security employee of the Department of Corrections,  
26 and a security employee of the Department of Human Services who  
27 is not a mental health police officer, shall not be eligible  
28 for the alternative retirement annuity provided by this Section  
29 unless he or she meets the following minimum age and service  
30 requirements at the time of retirement:

31 (i) 25 years of eligible creditable service and age 55;  
32 or

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

36 (iii) beginning January 1, 1988, 25 years of eligible

1           creditable service and age 53, or 23 years of eligible  
2           creditable service and age 55; or

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

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

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

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

20          (e) If a member enters military service while working in a  
21          position in which eligible creditable service may be earned,  
22          and returns to State service in the same or another such  
23          position, and fulfills in all other respects the conditions  
24          prescribed in this Article for credit for military service,  
25          such military service shall be credited as eligible creditable  
26          service for the purposes of the retirement annuity prescribed  
27          in this Section.

28          (f) For purposes of calculating retirement annuities under  
29          this Section, periods of service rendered after December 31,  
30          1968 and before October 1, 1975 as a covered employee in the  
31          position of special agent, conservation police officer, mental  
32          health police officer, or investigator for the Secretary of  
33          State, shall be deemed to have been service as a noncovered  
34          employee, provided that the employee pays to the System prior  
35          to retirement an amount equal to (1) the difference between the  
36          employee contributions that would have been required for such

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

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

17 (g) A State policeman may elect, not later than January 1,  
18 1990, to establish eligible creditable service for up to 10  
19 years of his service as a policeman under Article 3, by filing  
20 a written election with the Board, accompanied by payment of an  
21 amount to be determined by the Board, equal to (i) the  
22 difference between the amount of employee and employer  
23 contributions transferred to the System under Section 3-110.5,  
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 for  
27 each year, compounded annually, from the date of service to the  
28 date of payment.

29 Subject to the limitation in subsection (i), a State  
30 policeman may elect, not later than July 1, 1993, to establish  
31 eligible creditable service for up to 10 years of his service  
32 as a member of the County Police Department under Article 9, by  
33 filing a written election with the Board, accompanied by  
34 payment of an amount to be determined by the Board, equal to  
35 (i) the difference between the amount of employee and employer  
36 contributions transferred to the System under Section 9-121.10

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

6 (h) Subject to the limitation in subsection (i), a State  
7 policeman or investigator for the Secretary of State may elect  
8 to establish eligible creditable service for up to 12 years of  
9 his service as a policeman under Article 5, by filing a written  
10 election with the Board on or before January 31, 1992, 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 5-236, and the amounts that would  
15 have been contributed had such contributions been made at the  
16 rates applicable to State policemen, plus (ii) interest thereon  
17 at the effective rate for each year, compounded annually, from  
18 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 10 years of service as a sheriff's  
23 law enforcement employee under Article 7, by filing a written  
24 election with the Board on or before January 31, 1993, 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  
27 the amount of employee and employer contributions transferred  
28 to the System under Section 7-139.7, and the amounts that would  
29 have been contributed had such contributions been made at the  
30 rates applicable to State policemen, plus (ii) interest thereon  
31 at the effective rate for each year, compounded annually, from  
32 the date of service to the date of payment.

33 (i) The total amount of eligible creditable service  
34 established by any person under subsections (g), (h), (j), (k),  
35 and (l) of this Section shall not exceed 12 years.

36 (j) Subject to the limitation in subsection (i), an

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

15 (k) Subject to the limitation in subsection (i) of this  
16 Section, an alternative formula employee may elect to establish  
17 eligible creditable service for periods spent as a full-time  
18 law enforcement officer or full-time corrections officer  
19 employed by the federal government or by a state or local  
20 government located outside of Illinois, for which credit is not  
21 held in any other public employee pension fund or retirement  
22 system. To obtain this credit, the applicant must file a  
23 written application with the Board by March 31, 1998,  
24 accompanied by evidence of eligibility acceptable to the Board  
25 and payment of an amount to be determined by the Board, equal  
26 to (1) employee contributions for the credit being established,  
27 based upon the applicant's salary on the first day as an  
28 alternative formula employee after the employment for which  
29 credit is being established and the rates then applicable to  
30 alternative formula employees, plus (2) an amount determined by  
31 the Board to be the employer's normal cost of the benefits  
32 accrued for the credit being established, plus (3) regular  
33 interest on the amounts in items (1) and (2) from the first day  
34 as an alternative formula employee after the employment for  
35 which credit is being established to the date of payment.

36 (l) Subject to the limitation in subsection (i), a security

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

14 (Source: P.A. 94-4, eff. 6-1-05.)

15 (Text of Section after amendment by P.A. 94-696)

16 Sec. 14-110. Alternative retirement annuity.

17 (a) Any member who has withdrawn from service with not less  
18 than 20 years of eligible creditable service and ~~and~~ has  
19 attained age 55, and any member who has withdrawn from service  
20 with not less than 25 years of eligible creditable service and  
21 has attained age 50, regardless of whether the attainment of  
22 either of the specified ages occurs while the member is still  
23 in service, shall be entitled to receive at the option of the  
24 member, in lieu of the regular or minimum retirement annuity, a  
25 retirement annuity computed as follows:

26 (i) for periods of service as a noncovered employee: if  
27 retirement occurs on or after January 1, 2001, 3% of final  
28 average compensation for each year of creditable service;  
29 if retirement occurs before January 1, 2001, 2 1/4% of  
30 final average compensation for each of the first 10 years  
31 of creditable service, 2 1/2% for each year above 10 years  
32 to and including 20 years of creditable service, and 2 3/4%  
33 for each year of creditable service above 20 years; and

34 (ii) for periods of eligible creditable service as a  
35 covered employee: if retirement occurs on or after January

1 1, 2001, 2.5% of final average compensation for each year  
2 of creditable service; if retirement occurs before January  
3 1, 2001, 1.67% of final average compensation for each of  
4 the first 10 years of such service, 1.90% for each of the  
5 next 10 years of such service, 2.10% for each year of such  
6 service in excess of 20 but not exceeding 30, and 2.30% for  
7 each year in excess of 30.

8 Such annuity shall be subject to a maximum of 75% of final  
9 average compensation if retirement occurs before January 1,  
10 2001 or to a maximum of 80% of final average compensation if  
11 retirement occurs on or after January 1, 2001.

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

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

- 20 (1) State policeman;
- 21 (2) fire fighter in the fire protection service of a  
22 department;
- 23 (3) air pilot;
- 24 (4) special agent;
- 25 (5) investigator for the Secretary of State;
- 26 (6) conservation police officer;
- 27 (7) investigator for the Department of Revenue;
- 28 (8) security employee of the Department of Human  
29 Services;
- 30 (9) Central Management Services security police  
31 officer;
- 32 (10) security employee of the Department of  
33 Corrections or the Department of Juvenile Justice;
- 34 (11) dangerous drugs investigator;
- 35 (12) investigator for the Department of State Police;
- 36 (13) investigator for the Office of the Attorney

- 1           General;
- 2           (14) controlled substance inspector;
- 3           (15) investigator for the Office of the State's
- 4           Attorneys Appellate Prosecutor;
- 5           (16) Commerce Commission police officer;
- 6           (17) arson investigator;
- 7           (18) State highway maintenance worker.

8           A person employed in one of the positions specified in this

9           subsection is entitled to eligible creditable service for

10          service credit earned under this Article while undergoing the

11          basic police training course approved by the Illinois Law

12          Enforcement Training Standards Board, if completion of that

13          training is required of persons serving in that position. For

14          the purposes of this Code, service during the required basic

15          police training course shall be deemed performance of the

16          duties of the specified position, even though the person is not

17          a sworn peace officer at the time of the training.

18          (c) For the purposes of this Section:

19           (1) The term "state policeman" includes any title or

20           position in the Department of State Police that is held by

21           an individual employed under the State Police Act.

22           (2) The term "fire fighter in the fire protection

23           service of a department" includes all officers in such fire

24           protection service including fire chiefs and assistant

25           fire chiefs.

26           (3) The term "air pilot" includes any employee whose

27           official job description on file in the Department of

28           Central Management Services, or in the department by which

29           he is employed if that department is not covered by the

30           Personnel Code, states that his principal duty is the

31           operation of aircraft, and who possesses a pilot's license;

32           however, the change in this definition made by this

33           amendatory Act of 1983 shall not operate to exclude any

34           noncovered employee who was an "air pilot" for the purposes

35           of this Section on January 1, 1984.

36           (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, or any  
5 other Division or organizational entity in the Department  
6 of State Police is vested by law with duties to maintain  
7 public order, investigate violations of the criminal law of  
8 this State, enforce the laws of this State, make arrests  
9 and recover property. The term "special agent" includes any  
10 title or position in the Department of State Police that is  
11 held by an individual employed under the State Police Act.

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

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

27 (6) The term "Conservation Police Officer" means any  
28 person employed by the Division of Law Enforcement of the  
29 Department of Natural Resources and vested with such law  
30 enforcement duties as render him ineligible for coverage  
31 under the Social Security Act by reason of Sections  
32 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The  
33 term "Conservation Police Officer" includes the positions  
34 of Chief Conservation Police Administrator and Assistant  
35 Conservation Police Administrator.

36 (7) The term "investigator for the Department of

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

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

32 The changes made to this subdivision (c)(8) by Public  
33 Act 92-14 apply to persons who retire on or after January  
34 1, 2001, notwithstanding Section 1-103.1.

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

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

29 (12) The term "investigator for the Department of State  
30 Police" means a person employed by the Department of State  
31 Police who is vested under Section 4 of the Narcotic  
32 Control Division Abolition Act with such law enforcement  
33 powers as render him ineligible for coverage under the  
34 Social Security Act by reason of Sections 218(d)(5)(A),  
35 218(d)(8)(D) and 218(1)(1) of that Act.

36 (13) "Investigator for the Office of the Attorney

1 General" means any person who is employed as such by the  
2 Office of the Attorney General and is vested with such  
3 investigative 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. For  
6 the period before January 1, 1989, the term includes all  
7 persons who were employed as investigators by the Office of  
8 the Attorney General, without regard to social security  
9 status.

10 (14) "Controlled substance inspector" means any person  
11 who is employed as such by the Department of Professional  
12 Regulation and is vested with such law enforcement duties  
13 as render him 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. The term  
16 "controlled substance inspector" includes the Program  
17 Executive of Enforcement and the Assistant Program  
18 Executive of Enforcement.

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

24 (16) "Commerce Commission police officer" means any  
25 person employed by the Illinois Commerce Commission who is  
26 vested with such law enforcement duties as render him  
27 ineligible for coverage under the Social Security Act by  
28 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and  
29 218(1)(1) of that Act.

30 (17) "Arson investigator" means any person who is  
31 employed as such by the Office of the State Fire Marshal  
32 and is vested with such law enforcement duties as render  
33 the person ineligible for coverage under the Social  
34 Security Act by reason of Sections 218(d)(5)(A),  
35 218(d)(8)(D), and 218(1)(1) of that Act. A person who was  
36 employed as an arson investigator on January 1, 1995 and is

1 no longer in service but not yet receiving a retirement  
2 annuity may convert his or her creditable service for  
3 employment as an arson investigator into eligible  
4 creditable service by paying to the System the difference  
5 between the employee contributions actually paid for that  
6 service and the amounts that would have been contributed if  
7 the applicant were contributing at the rate applicable to  
8 persons with the same social security status earning  
9 eligible creditable service on the date of application.

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

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

22 (ii) A person employed on a full-time basis by the  
23 Illinois State Toll Highway Authority in the position  
24 of equipment operator/laborer H-4, equipment  
25 operator/laborer H-6, welder H-4, welder H-6,  
26 mechanical/electrical H-4, mechanical/electrical H-6,  
27 water/sewer H-4, water/sewer H-6, sign maker/hanger  
28 H-4, sign maker/hanger H-6, roadway lighting H-4,  
29 roadway lighting H-6, structural H-4, structural H-6,  
30 painter H-4, or painter H-6; and whose principal  
31 responsibility is to perform, on the roadway, the  
32 actual maintenance necessary to keep the Authority's  
33 tollways in serviceable condition for vehicular  
34 traffic.

35 (d) A security employee of the Department of Corrections or  
36 the Department of Juvenile Justice, and a security employee of

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

6 (i) 25 years of eligible creditable service and age 55;

7 or

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

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

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

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

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

23 Persons who have service credit under Article 16 of this  
24 Code for service as a security employee of the Department of  
25 Corrections or the Department of Juvenile Justice, or the  
26 Department of Human Services in a position requiring  
27 certification as a teacher may count such service toward  
28 establishing their eligibility under the service requirements  
29 of this Section; but such service may be used only for  
30 establishing such eligibility, and not for the purpose of  
31 increasing or calculating any benefit.

32 (e) If a member enters military service while working in a  
33 position in which eligible creditable service may be earned,  
34 and returns to State service in the same or another such  
35 position, and fulfills in all other respects the conditions  
36 prescribed in this Article for credit for military service,

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

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

17 For purposes of calculating retirement annuities under  
18 this Section, periods of service rendered after December 31,  
19 1968 and before January 1, 1982 as a covered employee in the  
20 position of investigator for the Department of Revenue shall be  
21 deemed to have been service as a noncovered employee, provided  
22 that the employee pays to the System prior to retirement an  
23 amount equal to (1) the difference between the employee  
24 contributions that would have been required for such service as  
25 a noncovered employee, and the amount of employee contributions  
26 actually paid, plus (2) if payment is made after January 1,  
27 1990, regular interest on the amount specified in item (1) from  
28 the date of service to the date of payment.

29 (g) A State policeman may elect, not later than January 1,  
30 1990, to establish eligible creditable service for up to 10  
31 years of his service as a policeman under Article 3, by filing  
32 a written election with the Board, accompanied by payment of an  
33 amount to be determined by the Board, equal to (i) the  
34 difference between the amount of employee and employer  
35 contributions transferred to the System under Section 3-110.5,  
36 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 for  
3 each year, compounded annually, from the date of service to the  
4 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 for  
16 each year, compounded annually, from the date of service to the  
17 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  
27 have been contributed had such contributions been made at the  
28 rates applicable to State policemen, plus (ii) interest thereon  
29 at the effective rate for each year, compounded annually, from  
30 the date of service to the date of payment.

31 Subject to the limitation in subsection (i), a State  
32 policeman, conservation police officer, or investigator for  
33 the Secretary of State may elect to establish eligible  
34 creditable service for up to 10 years of service as a sheriff's  
35 law enforcement employee under Article 7, by filing a written  
36 election with the Board on or before January 31, 1993, and



1 paying to the System by January 31, 1994 an amount to be  
2 determined by the Board, equal to (i) the difference between  
3 the amount of employee and employer contributions transferred  
4 to the System under Section 7-139.7, and the amounts that would  
5 have been contributed had such contributions been made at the  
6 rates applicable to State policemen, plus (ii) interest thereon  
7 at the effective rate for each year, compounded annually, from  
8 the date of service to the date of payment.

9 (i) The total amount of eligible creditable service  
10 established by any person under subsections (g), (h), (j), (k),  
11 and (l) of this Section shall not exceed 12 years.

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

27 (k) Subject to the limitation in subsection (i) of this  
28 Section, an alternative formula employee may elect to establish  
29 eligible creditable service for periods spent as a full-time  
30 law enforcement officer or full-time corrections officer  
31 employed by the federal government or by a state or local  
32 government located outside of Illinois, for which credit is not  
33 held in any other public employee pension fund or retirement  
34 system. To obtain this credit, the applicant must file a  
35 written application with the Board by March 31, 1998,  
36 accompanied by evidence of eligibility acceptable to the Board

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

12 (l) Subject to the limitation in subsection (i), a security  
13 employee of the Department of Corrections may elect, not later  
14 than July 1, 1998, to establish eligible creditable service for  
15 up to 10 years of his or her service as a policeman under  
16 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 to  
25 the date of payment.

26 (m) The amendatory changes to this Section made by this  
27 amendatory Act of the 94th General Assembly apply only to: (1)  
28 security employees of the Department of Juvenile Justice  
29 employed by the Department of Corrections before the effective  
30 date of this amendatory Act of the 94th General Assembly and  
31 transferred to the Department of Juvenile Justice by this  
32 amendatory Act of the 94th General Assembly; and (2) persons  
33 employed by the Department of Juvenile Justice on or after the  
34 effective date of this amendatory Act of the 94th General  
35 Assembly who are required by subsection (b) of Section 3-2.5-15  
36 of the Unified Code of Corrections to have a bachelor's or

1 advanced degree from an accredited college or university with a  
2 specialization in criminal justice, education, psychology,  
3 social work, or a closely related social science or, in the  
4 case of persons who provide vocational training, who are  
5 required to have adequate knowledge in the skill for which they  
6 are providing the vocational training.

7 (Source: P.A. 94-4, eff. 6-1-05; 94-696, eff. 6-1-06.)

8 Section 95. No acceleration or delay. Where this Act makes  
9 changes in a statute that is represented in this Act by text  
10 that is not yet or no longer in effect (for example, a Section  
11 represented by multiple versions), the use of that text does  
12 not accelerate or delay the taking effect of (i) the changes  
13 made by this Act or (ii) provisions derived from any other  
14 Public Act.