

1 AN ACT in relation to 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 3-120 as follows:

6 (40 ILCS 5/3-120) (from Ch. 108 1/2, par. 3-120)

7 Sec. 3-120. Marriage after retirement.

8 (a) If a police officer marries subsequent to retirement on  
9 any pension under this Article other than a pension established  
10 under Section 3-109.3, the surviving spouse and the children of  
11 such surviving spouse shall receive no pension on the death of  
12 the officer, except as provided in subsection (b) or (c).

13 (b) Notwithstanding Section 1-103.1 of this Code, this  
14 Section shall not be deemed to disqualify from receiving a  
15 survivor's pension the surviving spouse and children of any  
16 police officer who (i) retired from service in 1973, married  
17 the surviving spouse during 1974, and died in 1988, or (ii)  
18 retired on disability in October of 1982, married the surviving  
19 spouse during 1991, and died in 1992. In the case of a person  
20 who becomes eligible for a benefit under this subsection (b),  
21 the benefit shall begin to accrue on July 1, 1990 or July 1 of  
22 the year following the police officer's death, whichever is  
23 later.

1       (c) Beginning January 1, 2009, this Section does not  
2       disqualify the surviving spouse and children of a police  
3       officer from receiving a survivor's pension if the surviving  
4       spouse was married to the police officer for at least one year  
5       immediately preceding the officer's death. This subsection  
6       applies without regard to whether the deceased police officer  
7       was in service on or after the effective date of this  
8       amendatory Act of the 95th General Assembly. In the case of a  
9       person who becomes eligible for a survivor's pension under this  
10       subsection because of the death of a police officer who died  
11       before that effective date, the pension shall begin to accrue  
12       on the first day of the month following the month in which an  
13       application for that pension is received by the Board, but in  
14       no event sooner than January 1, 2009, and in no event before  
15       the repayment, with interest, of any refund of contributions  
16       previously received from the fund.

17       (Source: P.A. 91-939, eff. 2-1-01.)

18       Section 90. The State Mandates Act is amended by adding  
19       Section 8.32 as follows:

20       (30 ILCS 805/8.32 new)

21       Sec. 8.32. Exempt mandate. Notwithstanding Sections 6 and 8  
22       of this Act, no reimbursement by the State is required for the  
23       implementation of any mandate created by this amendatory Act of  
24       the 95th General Assembly.

1           Section 99. Effective date. This Act takes effect upon  
2           becoming law.