



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB1539

Introduced 2/9/2007, by Sen. Frank C. Watson

SYNOPSIS AS INTRODUCED:

40 ILCS 5/3-120

from Ch. 108 1/2, par. 3-120

30 ILCS 805/8.31 new

Amends the Downstate Police Article of the Illinois Pension Code. Provides that the surviving spouse of a police officer shall not be disqualified from receiving a survivor's pension if the surviving spouse was married to the deceased police officer for at least one year immediately preceding the date of death, regardless of whether the deceased police officer is still in service. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB095 10781 AMC 31024 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 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
10 established under Section 3-109.3) and dies less than 12 months
11 after the date of marriage, the surviving spouse and the
12 children of such surviving spouse shall receive no pension on
13 the death of the officer, except as provided in subsection (b)
14 or (c).

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

1 the year following the police officer's death, whichever is
2 later.

3 (c) Beginning on the effective date of this amendatory Act
4 of the 95th General Assembly, this Section shall no longer
5 disqualify from receiving a pension the surviving spouse of any
6 police officer who married the deceased police officer after
7 his or her retirement on pension, but was married to the
8 deceased police officer for at least one year immediately
9 preceding the date of death, regardless of whether the deceased
10 police officer is in service or is receiving a retirement
11 pension on or after the effective date of this amendatory Act
12 of the 95th General Assembly; except that this subsection (c)
13 does not apply to the surviving spouse of a police officer who
14 received a refund of contributions under Section 3-124. If the
15 surviving spouse of a police officer who died before the
16 effective date of this amendatory Act becomes eligible for a
17 pension because of this amendatory Act, that pension shall
18 begin to accrue on the date of the surviving spouse's
19 application for the pension, but in no event sooner than the
20 effective date of this amendatory Act.

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

22 Section 90. The State Mandates Act is amended by adding
23 Section 8.31 as follows:

24 (30 ILCS 805/8.31 new)

1 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8
2 of this Act, no reimbursement by the State is required for the
3 implementation of any mandate created by this amendatory Act of
4 the 95th General Assembly.

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