

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 Sections 2-108.1, 2-119.1, 2-121.1, 2-126, 18-125, 18-125.1,
6 18-128.01, and 18-133 as follows:

7 (40 ILCS 5/2-108.1) (from Ch. 108 1/2, par. 2-108.1)

8 Sec. 2-108.1. Highest salary for annuity purposes.

9 (a) "Highest salary for annuity purposes" means whichever
10 of the following is applicable to the participant:

11 For a participant who first becomes a participant of this
12 System before August 10, 2009 (the effective date of Public Act
13 96-207):

14 (1) For a participant who is a member of the General
15 Assembly on his or her last day of service: the highest
16 salary that is prescribed by law, on the participant's last
17 day of service, for a member of the General Assembly who is
18 not an officer; plus, if the participant was elected or
19 appointed to serve as an officer of the General Assembly
20 for 2 or more years and has made contributions as required
21 under subsection (d) of Section 2-126, the highest
22 additional amount of compensation prescribed by law, at the
23 time of the participant's service as an officer, for

1 members of the General Assembly who serve in that office.

2 (2) For a participant who holds one of the State
3 executive offices specified in Section 2-105 on his or her
4 last day of service: the highest salary prescribed by law
5 for service in that office on the participant's last day of
6 service.

7 (3) For a participant who is Clerk or Assistant Clerk
8 of the House of Representatives or Secretary or Assistant
9 Secretary of the Senate on his or her last day of service:
10 the salary received for service in that capacity on the
11 last day of service, but not to exceed the highest salary
12 (including additional compensation for service as an
13 officer) that is prescribed by law on the participant's
14 last day of service for the highest paid officer of the
15 General Assembly.

16 (4) For a participant who is a continuing participant
17 under Section 2-117.1 on his or her last day of service:
18 the salary received for service in that capacity on the
19 last day of service, but not to exceed the highest salary
20 (including additional compensation for service as an
21 officer) that is prescribed by law on the participant's
22 last day of service for the highest paid officer of the
23 General Assembly.

24 For a participant who first becomes a participant of this
25 System on or after August 10, 2009 (the effective date of
26 Public Act 96-207) and before January 1, 2011 (the effective

1 date of Public Act 96-889), the average monthly salary obtained
2 by dividing the total salary of the participant during the
3 period of: (1) the 48 consecutive months of service within the
4 last 120 months of service in which the total compensation was
5 the highest, or (2) the total period of service, if less than
6 48 months, by the number of months of service in that period.

7 For a participant who first becomes a participant of this
8 System on or after January 1, 2011 (the effective date of
9 Public Act 96-889) but before the effective date of this
10 amendatory Act of the 97th General Assembly, the average
11 monthly salary obtained by dividing the total salary of the
12 participant during the 96 consecutive months of service within
13 the last 120 months of service in which the total compensation
14 was the highest by the number of months of service in that
15 period; however, beginning January 1, 2011, the highest salary
16 for annuity purposes may not exceed \$106,800, except that that
17 amount shall annually thereafter be increased by the lesser of
18 (i) 3% of that amount, including all previous adjustments, or
19 (ii) the annual unadjusted percentage increase (but not less
20 than zero) in the consumer price index-u for the 12 months
21 ending with the September preceding each November 1.

22 For a participant who first becomes a participant of this
23 System on or after the effective date of this amendatory Act of
24 the 97th General Assembly, the average monthly salary obtained
25 by dividing the total salary of the participant during the 96
26 consecutive months of service within the last 120 months of

1 service in which the total compensation was the highest by the
2 number of months of service in that period; however, the
3 highest salary for annuity purposes may not exceed in any year
4 the salary limitation determined for that year by the Public
5 Pension Division of the Department of Insurance under
6 subsection (b-5) of Section 1-160 of this Code.

7 (a-5) "Consumer price index-u" means the index published by
8 the Bureau of Labor Statistics of the United States Department
9 of Labor that measures the average change in prices of goods
10 and services purchased by all urban consumers, United States
11 city average, all items, 1982-84 = 100.

12 The ~~new amount resulting from each annual adjustment shall~~
13 ~~be determined by the~~ Public Pension Division of the Department
14 of Insurance shall determine in October of each year (i) the
15 annual unadjusted percentage increase (but not less than zero)
16 in the consumer price index-u for the 12 months ending with the
17 preceding September and (ii) the salary limitation under
18 subsection (a) for the following year for the category of
19 participants who first become participants of this System on or
20 after January 1, 2011 but before the effective date of this
21 amendatory Act of the 97th General Assembly. The Division shall
22 make these determinations ~~and made~~ available to the Board by
23 November 1 of each year.

24 (b) The earnings limitations of subsection (a) apply to
25 earnings under any other participating system under the
26 Retirement Systems Reciprocal Act that are considered in

1 calculating a proportional annuity under this Article, except
2 in the case of a person who first became a member of this
3 System before August 22, 1994.

4 (c) In calculating the subsection (a) earnings limitation
5 to be applied to earnings under any other participating system
6 under the Retirement Systems Reciprocal Act for the purpose of
7 calculating a proportional annuity under this Article, the
8 participant's last day of service shall be deemed to mean the
9 last day of service in any participating system from which the
10 person has applied for a proportional annuity under the
11 Retirement Systems Reciprocal Act.

12 (Source: P.A. 96-207, eff. 8-10-09; 96-889, eff. 1-1-11;
13 96-1490, eff. 1-1-11.)

14 (40 ILCS 5/2-119.1) (from Ch. 108 1/2, par. 2-119.1)

15 Sec. 2-119.1. Automatic increase in retirement annuity.

16 (a) Except as otherwise provided in this Section, a ~~A~~
17 participant who retires after June 30, 1967, and who has not
18 received an initial increase under this Section before the
19 effective date of this amendatory Act of 1991, shall, in
20 January or July next following the first anniversary of
21 retirement, whichever occurs first, and in the same month of
22 each year thereafter, but in no event prior to age 60, have the
23 amount of the originally granted retirement annuity increased
24 as follows: for each year through 1971, 1 1/2%; for each year
25 from 1972 through 1979, 2%; and for 1980 and each year

1 thereafter, 3%. Annuitants who have received an initial
2 increase under this subsection prior to the effective date of
3 this amendatory Act of 1991 shall continue to receive their
4 annual increases in the same month as the initial increase.

5 (b) Beginning January 1, 1990, for eligible participants
6 who remain in service after attaining 20 years of creditable
7 service, the 3% increases provided under subsection (a) shall
8 begin to accrue on the January 1 next following the date upon
9 which the participant (1) attains age 55, or (2) attains 20
10 years of creditable service, whichever occurs later, and shall
11 continue to accrue while the participant remains in service;
12 such increases shall become payable on January 1 or July 1,
13 whichever occurs first, next following the first anniversary of
14 retirement. For any person who has service credit in the System
15 for the entire period from January 15, 1969 through December
16 31, 1992, regardless of the date of termination of service, the
17 reference to age 55 in clause (1) of this subsection (b) shall
18 be deemed to mean age 50.

19 This subsection (b) does not apply to any person who first
20 becomes a member of the System after the effective date of this
21 amendatory Act of the 93rd General Assembly.

22 (b-5) Notwithstanding any other provision of this Article,
23 a participant who first becomes a participant on or after
24 January 1, 2011 (the effective date of Public Act 96-889) but
25 before the effective date of this amendatory Act of the 97th
26 General Assembly shall, in January or July next following the

1 first anniversary of retirement, whichever occurs first, and in
2 the same month of each year thereafter, but in no event prior
3 to age 67, have the amount of the retirement annuity then being
4 paid increased by 3% or the annual unadjusted percentage
5 increase in the Consumer Price Index for All Urban Consumers as
6 determined by the Public Pension Division of the Department of
7 Insurance under subsection (a-5) ~~(a)~~ of Section 2-108.1,
8 whichever is less.

9 (b-10) Notwithstanding any other provision of this
10 Article, a participant who first becomes a participant on or
11 after the effective date of this amendatory Act of the 97th
12 General Assembly shall, in January or July next following the
13 first anniversary of retirement, whichever occurs first, and in
14 the same month of each year thereafter, but in no event prior
15 to age 67, have the annuity increased by 3% or one-half the
16 annual unadjusted percentage increase (but not less than zero)
17 in the Consumer Price Index for All Urban Consumers as
18 determined by the Public Pension Division of the Department of
19 Insurance under subsection (a-5) of Section 2-108.1, whichever
20 is less, of the originally granted retirement annuity.

21 (c) The foregoing provisions relating to automatic
22 increases are not applicable to a participant who retires
23 before having made contributions (at the rate prescribed in
24 Section 2-126) for automatic increases for less than the
25 equivalent of one full year. However, in order to be eligible
26 for the automatic increases, such a participant may make

1 arrangements to pay to the system the amount required to bring
2 the total contributions for the automatic increase to the
3 equivalent of one year's contributions based upon his or her
4 last salary.

5 (d) A participant who terminated service prior to July 1,
6 1967, with at least 14 years of service is entitled to an
7 increase in retirement annuity beginning January, 1976, and to
8 additional increases in January of each year thereafter.

9 The initial increase shall be 1 1/2% of the originally
10 granted retirement annuity multiplied by the number of full
11 years that the annuitant was in receipt of such annuity prior
12 to January 1, 1972, plus 2% of the originally granted
13 retirement annuity for each year after that date. The
14 subsequent annual increases shall be at the rate of 2% of the
15 originally granted retirement annuity for each year through
16 1979 and at the rate of 3% for 1980 and thereafter.

17 (e) Except as otherwise provided in this Section, beginning
18 ~~Beginning~~ January 1, 1990, all automatic annual increases
19 payable under this Section shall be calculated as a percentage
20 of the total annuity payable at the time of the increase,
21 including previous increases granted under this Article.

22 (Source: P.A. 96-889, eff. 1-1-11; 96-1490, eff. 1-1-11.)

23 (40 ILCS 5/2-121.1) (from Ch. 108 1/2, par. 2-121.1)

24 Sec. 2-121.1. Survivor's annuity - amount.

25 (a) A surviving spouse shall be entitled to 66 2/3% of the

1 amount of retirement annuity to which the participant or
2 annuitant was entitled on the date of death, without regard to
3 whether the participant had attained age 55 prior to his or her
4 death, subject to a minimum payment of 10% of salary. If a
5 surviving spouse, regardless of age, has in his or her care at
6 the date of death any eligible child or children of the
7 participant, the survivor's annuity shall be the greater of the
8 following: (1) 66 2/3% of the amount of retirement annuity to
9 which the participant or annuitant was entitled on the date of
10 death, or (2) 30% of the participant's salary increased by 10%
11 of salary on account of each such child, subject to a total
12 payment for the surviving spouse and children of 50% of salary.
13 If eligible children survive but there is no surviving spouse,
14 or if the surviving spouse dies or becomes disqualified by
15 remarriage while eligible children survive, each eligible
16 child shall be entitled to an annuity of 20% of salary, subject
17 to a maximum total payment for all such children of 50% of
18 salary.

19 However, the survivor's annuity payable under this Section
20 shall not be less than 100% of the amount of retirement annuity
21 to which the participant or annuitant was entitled on the date
22 of death, if he or she is survived by a dependent disabled
23 child.

24 The salary to be used for determining these benefits shall
25 be the salary used for determining the amount of retirement
26 annuity as provided in Section 2-119.01.

1 (b) Upon the death of a participant after the termination
2 of service or upon death of an annuitant, the maximum total
3 payment to a surviving spouse and eligible children, or to
4 eligible children alone if there is no surviving spouse, shall
5 be 75% of the retirement annuity to which the participant or
6 annuitant was entitled, unless there is a dependent disabled
7 child among the survivors.

8 (c) When a child ceases to be an eligible child, the
9 annuity to that child, or to the surviving spouse on account of
10 that child, shall thereupon cease, and the annuity payable to
11 the surviving spouse or other eligible children shall be
12 recalculated if necessary.

13 Upon the ineligibility of the last eligible child, the
14 annuity shall immediately revert to the amount payable upon
15 death of a participant or annuitant who leaves no eligible
16 children. If the surviving spouse is then under age 50, the
17 annuity as revised shall be deferred until the attainment of
18 age 50.

19 (d) Except as otherwise provided in this Section, beginning
20 ~~Beginning~~ January 1, 1990, every survivor's annuity shall be
21 increased (1) on each January 1 occurring on or after the
22 commencement of the annuity if the deceased member died while
23 receiving a retirement annuity, or (2) in other cases, on each
24 January 1 occurring on or after the first anniversary of the
25 commencement of the annuity, by an amount equal to 3% of the
26 current amount of the annuity, including any previous increases

1 under this Article. Such increases shall apply without regard
2 to whether the deceased member was in service on or after the
3 effective date of this amendatory Act of 1991, but shall not
4 accrue for any period prior to January 1, 1990.

5 (d-5) Notwithstanding any other provision of this Article,
6 the initial survivor's annuity of a survivor of a participant
7 who first becomes a participant on or after January 1, 2011
8 (the effective date of Public Act 96-889) but before the
9 effective date of this amendatory Act of the 97th General
10 Assembly shall be in the amount of 66 2/3% of the amount of the
11 retirement annuity to which the participant or annuitant was
12 entitled on the date of death and shall be increased (1) on
13 each January 1 occurring on or after the commencement of the
14 annuity if the deceased member died while receiving a
15 retirement annuity or (2) in other cases, on each January 1
16 occurring on or after the first anniversary of the commencement
17 of the annuity, by an amount equal to 3% or the annual
18 unadjusted percentage increase in the Consumer Price Index for
19 All Urban Consumers as determined by the Public Pension
20 Division of the Department of Insurance under subsection (a-5)
21 ~~(a)~~ of Section 2-108.1, whichever is less, of the survivor's
22 annuity then being paid.

23 (d-10) Notwithstanding any other provision of this
24 Article, the initial survivor's annuity of a survivor of a
25 participant who first becomes a participant on or after the
26 effective date of this amendatory Act of the 97th General

1 Assembly shall be in the amount of 66 2/3% of the amount of the
2 retirement annuity to which the participant or annuitant was
3 entitled on the date of death and shall be increased (1) on
4 each January 1 occurring on or after the commencement of the
5 annuity if the deceased member died while receiving a
6 retirement annuity or (2) in other cases, on each January 1
7 occurring on or after the first anniversary of the commencement
8 of the annuity, by an amount equal to 3% or one-half the annual
9 unadjusted percentage increase (but not less than zero) in the
10 Consumer Price Index for All Urban Consumers as determined by
11 the Public Pension Division of the Department of Insurance
12 under subsection (a-5) of Section 2-108.1, whichever is less,
13 of the originally granted survivor's annuity.

14 (e) Notwithstanding any other provision of this Article,
15 beginning January 1, 1990, the minimum survivor's annuity
16 payable to any person who is entitled to receive a survivor's
17 annuity under this Article shall be \$300 per month, without
18 regard to whether or not the deceased participant was in
19 service on the effective date of this amendatory Act of 1989.

20 (f) In the case of a proportional survivor's annuity
21 arising under the Retirement Systems Reciprocal Act where the
22 amount payable by the System on January 1, 1993 is less than
23 \$300 per month, the amount payable by the System shall be
24 increased beginning on that date by a monthly amount equal to
25 \$2 for each full year that has expired since the annuity began.

26 (Source: P.A. 96-889, eff. 1-1-11; 96-1490, eff. 1-1-11.)

1 (40 ILCS 5/2-126) (from Ch. 108 1/2, par. 2-126)

2 Sec. 2-126. Contributions by participants.

3 (a) Each participant shall contribute toward the cost of
4 his or her retirement annuity a percentage of each payment of
5 salary received by him or her for service as a member as
6 follows: for service between October 31, 1947 and January 1,
7 1959, 5%; for service between January 1, 1959 and June 30,
8 1969, 6%; for service between July 1, 1969 and January 10,
9 1973, 6 1/2%; for service after January 10, 1973, 7%; for
10 service after December 31, 1981, 8 1/2%.

11 (b) Beginning August 2, 1949, each male participant, and
12 from July 1, 1971, each female participant shall contribute
13 towards the cost of the survivor's annuity 2% of salary.

14 A participant who has no eligible survivor's annuity
15 beneficiary may elect to cease making contributions for
16 survivor's annuity under this subsection. A survivor's annuity
17 shall not be payable upon the death of a person who has made
18 this election, unless prior to that death the election has been
19 revoked and the amount of the contributions that would have
20 been paid under this subsection in the absence of the election
21 is paid to the System, together with interest at the rate of 4%
22 per year from the date the contributions would have been made
23 to the date of payment.

24 (c) Beginning July 1, 1967, each participant shall
25 contribute 1% of salary towards the cost of automatic increase

1 in annuity provided in Section 2-119.1. These contributions
2 shall be made concurrently with contributions for retirement
3 annuity purposes.

4 (d) In addition, each participant serving as an officer of
5 the General Assembly shall contribute, for the same purposes
6 and at the same rates as are required of a regular participant,
7 on each additional payment received as an officer. If the
8 participant serves as an officer for at least 2 but less than 4
9 years, he or she shall contribute an amount equal to the amount
10 that would have been contributed had the participant served as
11 an officer for 4 years. Persons who serve as officers in the
12 87th General Assembly but cannot receive the additional payment
13 to officers because of the ban on increases in salary during
14 their terms may nonetheless make contributions based on those
15 additional payments for the purpose of having the additional
16 payments included in their highest salary for annuity purposes;
17 however, persons electing to make these additional
18 contributions must also pay an amount representing the
19 corresponding employer contributions, as calculated by the
20 System.

21 (e) Notwithstanding any other provision of this Article,
22 the required contribution of a participant who first becomes a
23 participant on or after January 1, 2011 shall not be based on
24 any salary in excess of the applicable annually-adjusted
25 limitation on ~~exceed the contribution that would be due under~~
26 ~~this Article if~~ that participant's highest salary for annuity

1 purposes ~~were \$106,800, plus any increases in that amount~~ under
2 Section 2-108.1.

3 (Source: P.A. 96-1490, eff. 1-1-11.)

4 (40 ILCS 5/18-125) (from Ch. 108 1/2, par. 18-125)

5 Sec. 18-125. Retirement annuity amount.

6 (a) The annual retirement annuity for a participant who
7 terminated service as a judge prior to July 1, 1971 shall be
8 based on the law in effect at the time of termination of
9 service.

10 (b) Except as provided in subsection (b-5), effective July
11 1, 1971, the retirement annuity for any participant in service
12 on or after such date shall be 3 1/2% of final average salary,
13 as defined in this Section, for each of the first 10 years of
14 service, and 5% of such final average salary for each year of
15 service on excess of 10.

16 For purposes of this Section, final average salary for a
17 participant who first serves as a judge before August 10, 2009
18 (the effective date of Public Act 96-207) shall be:

19 (1) the average salary for the last 4 years of credited
20 service as a judge for a participant who terminates service
21 before July 1, 1975.

22 (2) for a participant who terminates service after June
23 30, 1975 and before July 1, 1982, the salary on the last
24 day of employment as a judge.

25 (3) for any participant who terminates service after

1 June 30, 1982 and before January 1, 1990, the average
2 salary for the final year of service as a judge.

3 (4) for a participant who terminates service on or
4 after January 1, 1990 but before the effective date of this
5 amendatory Act of 1995, the salary on the last day of
6 employment as a judge.

7 (5) for a participant who terminates service on or
8 after the effective date of this amendatory Act of 1995,
9 the salary on the last day of employment as a judge, or the
10 highest salary received by the participant for employment
11 as a judge in a position held by the participant for at
12 least 4 consecutive years, whichever is greater.

13 However, in the case of a participant who elects to
14 discontinue contributions as provided in subdivision (a) (2) of
15 Section 18-133, the time of such election shall be considered
16 the last day of employment in the determination of final
17 average salary under this subsection.

18 For a participant who first serves as a judge on or after
19 August 10, 2009 (the effective date of Public Act 96-207) and
20 before January 1, 2011 (the effective date of Public Act
21 96-889), final average salary shall be the average monthly
22 salary obtained by dividing the total salary of the participant
23 during the period of: (1) the 48 consecutive months of service
24 within the last 120 months of service in which the total
25 compensation was the highest, or (2) the total period of
26 service, if less than 48 months, by the number of months of

1 service in that period.

2 The maximum retirement annuity for any participant shall be
3 85% of final average salary.

4 (b-5) Notwithstanding any other provision of this Article,
5 for a participant who first serves as a judge on or after
6 January 1, 2011 (the effective date of Public Act 96-889), the
7 annual retirement annuity is 3% of the participant's final
8 average salary for each year of service. The maximum retirement
9 annuity payable shall be 60% of the participant's final average
10 salary.

11 For a participant who first serves as a judge on or after
12 January 1, 2011 (the effective date of Public Act 96-889) but
13 before the effective date of this amendatory Act of the 97th
14 General Assembly, final average salary shall be the average
15 monthly salary obtained by dividing the total salary of the
16 judge during the 96 consecutive months of service within the
17 last 120 months of service in which the total salary was the
18 highest by the number of months of service in that period;
19 however, beginning January 1, 2011, the annual salary may not
20 exceed \$106,800, except that that amount shall annually
21 thereafter be increased by the lesser of (i) 3% of that amount,
22 including all previous adjustments, or (ii) the annual
23 unadjusted percentage increase (but not less than zero) in the
24 consumer price index-u for the 12 months ending with the
25 September preceding each November 1.

26 For a participant who first serves as a judge on or after

1 the effective date of this amendatory Act of the 97th General
2 Assembly, final average salary shall be the average monthly
3 salary obtained by dividing the total salary of the judge
4 during the 96 consecutive months of service within the last 120
5 months of service in which the total salary was the highest by
6 the number of months of service in that period; however, the
7 annual salary may not exceed in any year the salary limitation
8 determined for that year by the Public Pension Division of the
9 Department of Insurance under subsection (b-5) of Section 1-160
10 of this Code.

11 (b-10) "Consumer price index-u" means the index published
12 by the Bureau of Labor Statistics of the United States
13 Department of Labor that measures the average change in prices
14 of goods and services purchased by all urban consumers, United
15 States city average, all items, 1982-84 = 100.

16 ~~The new amount resulting from each annual adjustment shall~~
17 ~~be determined by the~~ Public Pension Division of the Department
18 of Insurance shall determine in October of each year (i) the
19 annual unadjusted percentage increase (but not less than zero)
20 in the consumer price index-u for the 12 months ending with the
21 preceding September and (ii) the salary limitation under
22 subsection (b-5) of this Section for the following year for the
23 category of participants who first serve as a judge on or after
24 January 1, 2011 but before the effective date of this
25 amendatory Act of the 97th General Assembly. The Division shall
26 make these determinations ~~and made~~ available to the Board by

1 November 1st of each year.

2 (c) The retirement annuity for a participant who retires
3 prior to age 60 with less than 28 years of service in the
4 System shall be reduced 1/2 of 1% for each month that the
5 participant's age is under 60 years at the time the annuity
6 commences. However, for a participant who retires on or after
7 the effective date of this amendatory Act of the 91st General
8 Assembly, the percentage reduction in retirement annuity
9 imposed under this subsection shall be reduced by 5/12 of 1%
10 for every month of service in this System in excess of 20
11 years, and therefore a participant with at least 26 years of
12 service in this System may retire at age 55 without any
13 reduction in annuity.

14 The reduction in retirement annuity imposed by this
15 subsection shall not apply in the case of retirement on account
16 of disability.

17 (d) Notwithstanding any other provision of this Article,
18 for a participant who first serves as a judge on or after
19 January 1, 2011 (the effective date of Public Act 96-889) and
20 who is retiring after attaining age 62, the retirement annuity
21 shall be reduced by 1/2 of 1% for each month that the
22 participant's age is under age 67 at the time the annuity
23 commences.

24 (Source: P.A. 96-207, eff. 8-10-09; 96-889, eff. 1-1-11;
25 96-1000, eff. 7-2-10; 96-1490, eff. 1-1-11.)

1 (40 ILCS 5/18-125.1) (from Ch. 108 1/2, par. 18-125.1)

2 Sec. 18-125.1. Automatic increase in retirement annuity.
3 Except as otherwise provided in this Section, a ~~A~~ participant
4 who retires from service after June 30, 1969, shall, in January
5 of the year next following the year in which the first
6 anniversary of retirement occurs, and in January of each year
7 thereafter, have the amount of his or her originally granted
8 retirement annuity increased as follows: for each year up to
9 and including 1971, 1 1/2%; for each year from 1972 through
10 1979 inclusive, 2%; and for 1980 and each year thereafter, 3%.

11 Notwithstanding any other provision of this Article, a
12 retirement annuity for a participant who first serves as a
13 judge on or after January 1, 2011 (the effective date of Public
14 Act 96-889) but before the effective date of this amendatory
15 Act of the 97th General Assembly shall be increased in January
16 of the year next following the year in which the first
17 anniversary of retirement occurs, but in no event prior to age
18 67, and in January of each year thereafter, by an amount equal
19 to 3% or the annual percentage increase in the consumer price
20 index-u as determined by the Public Pension Division of the
21 Department of Insurance under subsection (b-10) ~~(b-5)~~ of
22 Section 18-125, whichever is less, of the retirement annuity
23 then being paid.

24 Notwithstanding any other provision of this Article, a
25 retirement annuity for a participant who first serves as a
26 judge on or after the effective date of this amendatory Act of

1 the 97th General Assembly shall be increased in January of the
2 year next following the year in which the first anniversary of
3 retirement occurs, but in no event prior to age 67, and in
4 January of each year thereafter, by an amount equal to 3% or
5 one-half the annual unadjusted percentage increase (but not
6 less than zero) in the consumer price index-u as determined by
7 the Public Pension Division of the Department of Insurance
8 under subsection (b-10) of Section 18-125, whichever is less,
9 of the originally granted retirement annuity.

10 This Section is not applicable to a participant who retires
11 before he or she has made contributions at the rate prescribed
12 in Section 18-133 for automatic increases for not less than the
13 equivalent of one full year, unless such a participant arranges
14 to pay the system the amount required to bring the total
15 contributions for the automatic increase to the equivalent of
16 one year's contribution based upon his or her last year's
17 salary.

18 This Section is applicable to all participants in service
19 after June 30, 1969 unless a participant has elected, prior to
20 September 1, 1969, in a written direction filed with the board
21 not to be subject to the provisions of this Section. Any
22 participant in service on or after July 1, 1992 shall have the
23 option of electing prior to April 1, 1993, in a written
24 direction filed with the board, to be covered by the provisions
25 of the 1969 amendatory Act. Such participant shall be required
26 to make the aforesaid additional contributions with compound

1 interest at 4% per annum.

2 Any participant who has become eligible to receive the
3 maximum rate of annuity and who resumes service as a judge
4 after receiving a retirement annuity under this Article shall
5 have the amount of his or her retirement annuity increased by
6 3% of the originally granted annuity amount for each year of
7 such resumed service, beginning in January of the year next
8 following the date of such resumed service, upon subsequent
9 termination of such resumed service.

10 Beginning January 1, 1990, all automatic annual increases
11 payable under this Section shall be calculated as a percentage
12 of the total annuity payable at the time of the increase,
13 including previous increases granted under this Article.

14 (Source: P.A. 96-889, eff. 1-1-11; 96-1490, eff. 1-1-11.)

15 (40 ILCS 5/18-128.01) (from Ch. 108 1/2, par. 18-128.01)
16 Sec. 18-128.01. Amount of survivor's annuity.

17 (a) Upon the death of an annuitant, his or her surviving
18 spouse shall be entitled to a survivor's annuity of 66 2/3% of
19 the annuity the annuitant was receiving immediately prior to
20 his or her death, inclusive of annual increases in the
21 retirement annuity to the date of death.

22 (b) Upon the death of an active participant, his or her
23 surviving spouse shall receive a survivor's annuity of 66 2/3%
24 of the annuity earned by the participant as of the date of his
25 or her death, determined without regard to whether the

1 participant had attained age 60 as of that time, or 7 1/2% of
2 the last salary of the decedent, whichever is greater.

3 (c) Upon the death of a participant who had terminated
4 service with at least 10 years of service, his or her surviving
5 spouse shall be entitled to a survivor's annuity of 66 2/3% of
6 the annuity earned by the deceased participant at the date of
7 death.

8 (d) Upon the death of an annuitant, active participant, or
9 participant who had terminated service with at least 10 years
10 of service, each surviving child under the age of 18 or
11 disabled as defined in Section 18-128 shall be entitled to a
12 child's annuity in an amount equal to 5% of the decedent's
13 final salary, not to exceed in total for all such children the
14 greater of 20% of the decedent's last salary or 66 2/3% of the
15 annuity received or earned by the decedent as provided under
16 subsections (a) and (b) of this Section. This child's annuity
17 shall be paid whether or not a survivor's annuity was elected
18 under Section 18-123.

19 (e) The changes made in the survivor's annuity provisions
20 by Public Act 82-306 shall apply to the survivors of a deceased
21 participant or annuitant whose death occurs on or after August
22 21, 1981.

23 (f) Except as otherwise provided in this Section, beginning
24 ~~Beginning~~ January 1, 1990, every survivor's annuity shall be
25 increased (1) on each January 1 occurring on or after the
26 commencement of the annuity if the deceased member died while

1 receiving a retirement annuity, or (2) in other cases, on each
2 January 1 occurring on or after the first anniversary of the
3 commencement of the annuity, by an amount equal to 3% of the
4 current amount of the annuity, including any previous increases
5 under this Article. Such increases shall apply without regard
6 to whether the deceased member was in service on or after the
7 effective date of this amendatory Act of 1991, but shall not
8 accrue for any period prior to January 1, 1990.

9 (g) Notwithstanding any other provision of this Article,
10 the initial survivor's annuity for a survivor of a participant
11 who first serves as a judge after January 1, 2011 (the
12 effective date of Public Act 96-889) but before the effective
13 date of this amendatory Act of the 97th General Assembly shall
14 be in the amount of 66 2/3% of the annuity received or earned
15 by the decedent, and shall be increased (1) on each January 1
16 occurring on or after the commencement of the annuity if the
17 deceased participant died while receiving a retirement
18 annuity, or (2) in other cases, on each January 1 occurring on
19 or after the first anniversary of the commencement of the
20 annuity, but in no event prior to age 67, by an amount equal to
21 3% or the annual unadjusted percentage increase in the consumer
22 price index-u as determined by the Public Pension Division of
23 the Department of Insurance under subsection (b-10) ~~(b-5)~~ of
24 Section 18-125, whichever is less, of the survivor's annuity
25 then being paid.

26 (h) Notwithstanding any other provision of this Article,

1 the initial survivor's annuity for a survivor of a participant
2 who first serves as a judge on or after the effective date of
3 this amendatory Act of the 97th General Assembly shall be in
4 the amount of 66 2/3% of the annuity received or earned by the
5 decedent, and shall be increased (1) on each January 1
6 occurring on or after the commencement of the annuity if the
7 deceased participant died while receiving a retirement
8 annuity, or (2) in other cases, on each January 1 occurring on
9 or after the first anniversary of the commencement of the
10 annuity, but in no event prior to age 67, by an amount equal to
11 3% or one-half the annual unadjusted percentage increase (but
12 not less than zero) in the consumer price index-u as determined
13 by the Public Pension Division of the Department of Insurance
14 under subsection (b-10) of Section 18-125, whichever is less,
15 of the originally granted survivor's annuity.

16 (Source: P.A. 96-889, eff. 1-1-11; 96-1490, eff. 1-1-11.)

17 (40 ILCS 5/18-133) (from Ch. 108 1/2, par. 18-133)

18 Sec. 18-133. Financing; employee contributions.

19 (a) Effective July 1, 1967, each participant is required to
20 contribute 7 1/2% of each payment of salary toward the
21 retirement annuity. Such contributions shall continue during
22 the entire time the participant is in service, with the
23 following exceptions:

24 (1) Contributions for the retirement annuity are not
25 required on salary received after 18 years of service by

1 persons who were participants before January 2, 1954.

2 (2) A participant who continues to serve as a judge
3 after becoming eligible to receive the maximum rate of
4 annuity may elect, through a written direction filed with
5 the Board, to discontinue contributing to the System. Any
6 such option elected by a judge shall be irrevocable unless
7 prior to January 1, 2000, and while continuing to serve as
8 judge, the judge (A) files with the Board a letter
9 cancelling the direction to discontinue contributing to
10 the System and requesting that such contributing resume,
11 and (B) pays into the System an amount equal to the total
12 of the discontinued contributions plus interest thereon at
13 5% per annum. Service credits earned in any other
14 "participating system" as defined in Article 20 of this
15 Code shall be considered for purposes of determining a
16 judge's eligibility to discontinue contributions under
17 this subdivision (a) (2).

18 (3) A participant who (i) has attained age 60, (ii)
19 continues to serve as a judge after becoming eligible to
20 receive the maximum rate of annuity, and (iii) has not
21 elected to discontinue contributing to the System under
22 subdivision (a) (2) of this Section (or has revoked any such
23 election) may elect, through a written direction filed with
24 the Board, to make contributions to the System based only
25 on the amount of the increases in salary received by the
26 judge on or after the date of the election, rather than the

1 total salary received. If a judge who is making
2 contributions to the System on the effective date of this
3 amendatory Act of the 91st General Assembly makes an
4 election to limit contributions under this subdivision
5 (a)(3) within 90 days after that effective date, the
6 election shall be deemed to become effective on that
7 effective date and the judge shall be entitled to receive a
8 refund of any excess contributions paid to the System
9 during that 90-day period; any other election under this
10 subdivision (a)(3) becomes effective on the first of the
11 month following the date of the election. An election to
12 limit contributions under this subdivision (a)(3) is
13 irrevocable. Service credits earned in any other
14 participating system as defined in Article 20 of this Code
15 shall be considered for purposes of determining a judge's
16 eligibility to make an election under this subdivision
17 (a)(3).

18 (b) Beginning July 1, 1969, each participant is required to
19 contribute 1% of each payment of salary towards the automatic
20 increase in annuity provided in Section 18-125.1. However, such
21 contributions need not be made by any participant who has
22 elected prior to September 15, 1969, not to be subject to the
23 automatic increase in annuity provisions.

24 (c) Effective July 13, 1953, each married participant
25 subject to the survivor's annuity provisions is required to
26 contribute 2 1/2% of each payment of salary, whether or not he

1 or she is required to make any other contributions under this
2 Section. Such contributions shall be made concurrently with the
3 contributions made for annuity purposes.

4 (d) Notwithstanding any other provision of this Article,
5 the required contributions for a participant who first becomes
6 a participant on or after January 1, 2011 shall not be based on
7 any salary in excess of the applicable annually-adjusted
8 limitation on salary used for determining ~~exceed the~~
9 ~~contributions that would be due under this Article if that~~
10 participant's final average salary ~~highest salary for annuity~~
11 ~~purposes were \$106,800, plus any increase in that amount under~~
12 Section 18-125.

13 (Source: P.A. 96-1490, eff. 1-1-11.)