



Rep. Darlene J. Senger

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09800HB5816ham001

LRB098 15892 RPM 56911 a

1 AMENDMENT TO HOUSE BILL 5816

2 AMENDMENT NO. _____. Amend House Bill 5816 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by
5 changing Sections 2-156, 14-149, 15-187, 16-199, and 18-163 as
6 follows:

7 (40 ILCS 5/2-156) (from Ch. 108 1/2, par. 2-156)

8 Sec. 2-156. Felony conviction.

9 (a) If a person is convicted of, or pleads guilty to,
10 violating paragraph (6) of subsection (a) of Section 12-6,
11 subsection (a) of Section 33-1, Section 33-3, subsection (a) of
12 Section 33E-7, or subsection (d) of Section 17-10.3 of the
13 Criminal Code of 2012, or is sentenced for theft of
14 governmental property under paragraph (4.1), (5.1), or (6.1) of
15 subsection (b) of Section 16-1 of the Criminal Code of 2012,
16 then none of the benefits provided under this Article that are

1 attributable to the service of that person under this Article
2 shall be paid.

3 (b) None of the benefits herein provided for shall be paid
4 to any person who is convicted of any felony relating to or
5 arising out of or in connection with his or her service as a
6 member.

7 (c) If a person is receiving an annuity from the System and
8 is convicted of, or pleads guilty to, a felony, other than a
9 felony requiring the forfeiture of that annuity under
10 subsection (a) or (b) of this Section, then the Board shall
11 suspend the payment of the annuity for the duration of that
12 person's incarceration for that offense. Upon completion of the
13 term of incarceration for that offense, the person may seek
14 reinstatement of his or her annuity by filing a request for
15 reinstatement of benefits with the System in the manner
16 prescribed by the Board.

17 (d) A person who forfeits his or her benefits under this
18 Section is entitled to a refund of his or her unused employee
19 contributions to the extent that the refund of those
20 contributions is necessary in order for the System to maintain
21 qualified plan status under the federal Internal Revenue Code
22 of 1986.

23 (e) This Section shall not operate to impair any contract
24 or vested right acquired prior to July 11, 1955 under any law
25 or laws continued in this Article, nor to preclude the right to
26 a refund.

1 All participants entering service subsequent to July 11,
2 1955 shall be deemed to have consented to the provisions of
3 this Section as a condition of participation.

4 The changes to this Section made by this amendatory Act of
5 the 98th General Assembly apply without regard to whether the
6 person is in active service on or after the effective date of
7 this amendatory Act.

8 (Source: P.A. 83-1440.)

9 (40 ILCS 5/14-149) (from Ch. 108 1/2, par. 14-149)

10 Sec. 14-149. Felony conviction.

11 (a) If a person is convicted of, or pleads guilty to,
12 violating paragraph (6) of subsection (a) of Section 12-6,
13 subsection (a) of Section 33-1, Section 33-3, subsection (a) of
14 Section 33E-7, or subsection (d) of Section 17-10.3 of the
15 Criminal Code of 2012, or is sentenced for theft of
16 governmental property under paragraph (4.1), (5.1), or (6.1) of
17 subsection (b) of Section 16-1 of the Criminal Code of 2012,
18 then none of the benefits provided under this Article that are
19 attributable to the service of that person under this Article
20 shall be paid.

21 (b) None of the benefits herein provided for shall be paid
22 to any person who is convicted of any felony relating to or
23 arising out of or in connection with his or her service as an
24 employee.

25 (c) If a person is receiving an annuity from the System and

1 is convicted of, or pleads guilty to, a felony, other than a
2 felony requiring the forfeiture of that annuity under
3 subsection (a) or (b) of this Section, then the Board shall
4 suspend the payment of the annuity for the duration of that
5 person's incarceration for that offense. Upon completion of the
6 term of incarceration for that offense, the person may seek
7 reinstatement of his or her annuity by filing a request for
8 reinstatement of benefits with the System in the manner
9 prescribed by the Board.

10 (d) A person who forfeits his or her benefits under this
11 Section is entitled to a refund of his or her unused employee
12 contributions to the extent that the refund of those
13 contributions is necessary in order for the System to maintain
14 qualified plan status under the federal Internal Revenue Code
15 of 1986.

16 (e) This Section shall not operate to impair any contract
17 or vested right heretofore acquired under any law or laws
18 continued in this Article nor to preclude the right to a
19 refund.

20 All future entrants entering service subsequent to July 9,
21 1955 shall be deemed to have consented to the provisions of
22 this Section ~~section~~ as a condition of coverage.

23 The changes to this Section made by this amendatory Act of
24 the 98th General Assembly apply without regard to whether the
25 person is in active service on or after the effective date of
26 this amendatory Act.

1 (Source: P.A. 80-841.)

2 (40 ILCS 5/15-187) (from Ch. 108 1/2, par. 15-187)

3 Sec. 15-187. Felony conviction.

4 (a) If a person is convicted of, or pleads guilty to,
5 violating paragraph (6) of subsection (a) of Section 12-6,
6 subsection (a) of Section 33-1, Section 33-3, subsection (a) of
7 Section 33E-7, or subsection (d) of Section 17-10.3 of the
8 Criminal Code of 2012, or is sentenced for theft of
9 governmental property under paragraph (4.1), (5.1), or (6.1) of
10 subsection (b) of Section 16-1 of the Criminal Code of 2012,
11 then none of the benefits provided under this Article that are
12 attributable to the service of that person under this Article
13 shall be paid.

14 (b) None of the benefits provided under this Article shall
15 be paid to any person who is convicted of any felony relating
16 to or arising out of or in connection with the person's service
17 as an employee.

18 (c) If a person is receiving an annuity from the System and
19 is convicted of, or pleads guilty to, a felony, other than a
20 felony requiring the forfeiture of that annuity under
21 subsection (a) or (b) of this Section, then the Board shall
22 suspend the payment of the annuity for the duration of that
23 person's incarceration for that offense. Upon completion of the
24 term of incarceration for that offense, the person may seek
25 reinstatement of his or her annuity by filing a request for

1 reinstatement of benefits with the System in the manner
2 prescribed by the Board.

3 (d) A person who forfeits his or her benefits under this
4 Section is entitled to a refund of his or her unused employee
5 contributions to the extent that the refund of those
6 contributions is necessary in order for the System to maintain
7 qualified plan status under the federal Internal Revenue Code
8 of 1986.

9 (e) This Section shall not operate to impair any contract
10 or vested right heretofore acquired under any law or laws
11 continued in this Article, nor to preclude the right to a
12 refund. No refund paid to any person who is convicted of a
13 felony relating to or arising out of or in connection with the
14 person's service as an employee shall include employer
15 contributions or interest or, in the case of the self-managed
16 plan authorized under Section 15-158.2, any employer
17 contributions or investment return on such employer
18 contributions.

19 All persons entering service subsequent to July 9, 1955
20 shall be deemed to have consented to the provisions of this
21 Section as a condition of coverage.

22 The changes to this Section made by this amendatory Act of
23 the 98th General Assembly apply without regard to whether the
24 person is in active service on or after the effective date of
25 this amendatory Act.

26 (Source: P.A. 93-347, eff. 7-24-03.)

1 (40 ILCS 5/16-199) (from Ch. 108 1/2, par. 16-199)

2 Sec. 16-199. Felony conviction.

3 (a) If a person is convicted of, or pleads guilty to,
4 violating paragraph (6) of subsection (a) of Section 12-6,
5 subsection (a) of Section 33-1, Section 33-3, subsection (a) of
6 Section 33E-7, or subsection (d) of Section 17-10.3 of the
7 Criminal Code of 2012, or is sentenced for theft of
8 governmental property under paragraph (4.1), (5.1), or (6.1) of
9 subsection (b) of Section 16-1 of the Criminal Code of 2012,
10 then none of the benefits provided under this Article that are
11 attributable to the service of that person under this Article
12 shall be paid.

13 (b) None of the benefits provided for in this Article shall
14 be paid to any person who is convicted of any felony relating
15 to or arising out of or in connection with his or her service
16 as a teacher.

17 (c) If a person is receiving an annuity from the System and
18 is convicted of, or pleads guilty to, a felony, other than a
19 felony requiring the forfeiture of that annuity under
20 subsection (a) or (b) of this Section, then the Board shall
21 suspend the payment of the annuity for the duration of that
22 person's incarceration for that offense. Upon completion of the
23 term of incarceration for that offense, the person may seek
24 reinstatement of his or her annuity by filing a request for
25 reinstatement of benefits with the System in the manner

1 prescribed by the Board.

2 (d) A person who forfeits his or her benefits under this
3 Section is entitled to a refund of his or her unused employee
4 contributions to the extent that the refund of those
5 contributions is necessary in order for the System to maintain
6 qualified plan status under the federal Internal Revenue Code
7 of 1986.

8 (e) This Section shall not operate to impair any contract
9 or vested right acquired prior to July 9, 1955 under any law or
10 laws continued in this Article, nor to preclude the right to a
11 refund. The System may sue any such person to collect all
12 moneys paid in excess of refundable contributions.

13 All teachers entering or re-entering service after July 9,
14 1955 shall be deemed to have consented to the provisions of
15 this Section as a condition of membership.

16 The changes to this Section made by this amendatory Act of
17 the 98th General Assembly apply without regard to whether the
18 person is in active service on or after the effective date of
19 this amendatory Act.

20 (Source: P.A. 85-1008.)

21 (40 ILCS 5/18-163) (from Ch. 108 1/2, par. 18-163)

22 Sec. 18-163. Felony conviction.

23 (a) If a person is convicted of, or pleads guilty to,
24 violating paragraph (6) of subsection (a) of Section 12-6,
25 subsection (a) of Section 33-1, Section 33-3, subsection (a) of

1 Section 33E-7, or subsection (d) of Section 17-10.3 of the
2 Criminal Code of 2012, or is sentenced for theft of
3 governmental property under paragraph (4.1), (5.1), or (6.1) of
4 subsection (b) of Section 16-1 of the Criminal Code of 2012,
5 then none of the benefits provided under this Article that are
6 attributable to the service of that person under this Article
7 shall be paid.

8 (b) None of the benefits herein provided shall be paid to
9 any person who is convicted of any felony relating to or
10 arising out of or in connection with his or her service as a
11 judge.

12 (c) If a person is receiving an annuity from the System and
13 is convicted of, or pleads guilty to, a felony, other than a
14 felony requiring the forfeiture of that annuity under
15 subsection (a) or (b) of this Section, then the Board shall
16 suspend the payment of the annuity for the duration of that
17 person's incarceration for that offense. Upon completion of the
18 term of incarceration for that offense, the person may seek
19 reinstatement of his or her annuity by filing a request for
20 reinstatement of benefits with the System in the manner
21 prescribed by the Board.

22 (d) A person who forfeits his or her benefits under this
23 Section is entitled to a refund of his or her unused employee
24 contributions to the extent that the refund of those
25 contributions is necessary in order for the System to maintain
26 qualified plan status under the federal Internal Revenue Code

1 of 1986.

2 (e) This Section shall not operate to impair any contract
3 or vested right acquired before July 9, 1955 under any law or
4 laws continued in this Article, nor to preclude the right to a
5 refund.

6 All participants entering service subsequent to July 9,
7 1955 are deemed to have consented to the provisions of this
8 Section as a condition of participation.

9 The changes to this Section made by this amendatory Act of
10 the 98th General Assembly apply without regard to whether the
11 person is in active service on or after the effective date of
12 this amendatory Act.

13 (Source: P.A. 83-1440.)".