



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB0239

by Rep. Sam Yingling

SYNOPSIS AS INTRODUCED:

See Index

Amends the General Assembly, Downstate Police, Downstate Firefighters, Chicago Police, Chicago Firefighters, Illinois Municipal Retirement Fund (IMRF), Chicago Municipal, Cook County, Cook County Forest Preserve, Chicago Laborers, Chicago Park District, Metropolitan Water Reclamation District, State Employees, State Universities, Downstate Teachers, Chicago Teachers, and Judges Articles of the Illinois Pension Code. Provides that in any matter involving a question of whether pension benefits should be terminated because of a felony, the board of the fund or system shall make the Attorney General and the State's Attorney of the county in which the felony occurred parties to the proceeding. Provides that the Attorney General or the State's Attorney may contest the eligibility of the person convicted of the felony and may seek judicial review of the board's decision not to terminate benefits because of a felony conviction. Amends the State Mandates Act to require implementation without reimbursement by the State. Effective immediately.

LRB099 03894 RPS 23910 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 Sections 5-189, 6-185, 8-203, 9-196, 11-192, 12-162, and 13-706
6 and by adding Sections 2-156.5, 3-147.5, 4-138.2, 7-219.5,
7 10-109.5, 14-149.5, 15-187.5, 16-199.5, 17-149.2, and 18-163.5
8 as follows:

9 (40 ILCS 5/2-156.5 new)

10 Sec. 2-156.5. Felony forfeiture proceedings. In any matter
11 involving a question of whether benefits under this Article
12 should be terminated because of a felony conviction, the Board
13 shall make the Attorney General and the State's Attorney of the
14 county in which the felony occurred parties to the proceeding;
15 the Attorney General or the State's Attorney may contest the
16 eligibility of the person convicted of the felony, and the
17 Attorney General or the State's Attorney may seek judicial
18 review of the Board's decision not to terminate benefits under
19 this Article because of a felony conviction.

20 (40 ILCS 5/3-147.5 new)

21 Sec. 3-147.5. Felony forfeiture proceedings. In any matter
22 involving a question of whether benefits under this Article

1 should be terminated because of a felony conviction, the board
2 shall make the Attorney General and the State's Attorney of the
3 county in which the felony occurred parties to the proceeding;
4 the Attorney General or the State's Attorney may contest the
5 eligibility of the person convicted of the felony, and the
6 Attorney General or the State's Attorney may seek judicial
7 review of the board's decision not to terminate benefits under
8 this Article because of a felony conviction.

9 (40 ILCS 5/4-138.2 new)

10 Sec. 4-138.2. Felony forfeiture proceedings. In any matter
11 involving a question of whether benefits under this Article
12 should be terminated because of a felony conviction, the board
13 shall make the Attorney General and the State's Attorney of the
14 county in which the felony occurred parties to the proceeding;
15 the Attorney General or the State's Attorney may contest the
16 eligibility of the person convicted of the felony, and the
17 Attorney General or the State's Attorney may seek judicial
18 review of the board's decision not to terminate benefits under
19 this Article because of a felony conviction.

20 (40 ILCS 5/5-189) (from Ch. 108 1/2, par. 5-189)

21 Sec. 5-189. To authorize payments. To authorize the payment
22 of any annuity, pension, or benefit granted under this Article
23 or under any other Act relating to police pensions, heretofore
24 in effect in the city which has been superseded by this

1 Article; to increase, reduce, or suspend any such annuity,
2 pension, or benefit whenever any part thereof was secured or
3 granted or the amount thereof fixed, as the result of
4 misrepresentation, fraud, or error; provided, the annuitant,
5 pensioner or beneficiary concerned shall be notified and given
6 an opportunity to be heard concerning such proposed action.

7 The Board shall have exclusive original jurisdiction in all
8 matters relating to or affecting the fund, including, in
9 addition to all other matters, all claims for annuities,
10 pensions, benefits or refunds. However, in any matter involving
11 a question of whether benefits under this Article should be
12 terminated because of a felony conviction, the Board shall make
13 the Attorney General and the State's Attorney of the county in
14 which the felony occurred parties to the proceeding; the
15 Attorney General or the State's Attorney may contest the
16 eligibility of the person convicted of the felony, and the
17 Attorney General or the State's Attorney may seek judicial
18 review of the Board's decision not to terminate benefits under
19 this Article because of a felony conviction.

20 (Source: P.A. 77-2141.)

21 (40 ILCS 5/6-185) (from Ch. 108 1/2, par. 6-185)

22 Sec. 6-185. To authorize payments. To authorize the payment
23 of any annuity, pension or benefit granted under this Article,
24 or under any other Act relating to firemen's pensions,
25 heretofore in effect in the city which has been superseded by

1 this Article; to increase, reduce, or suspend any such annuity,
2 pension, or benefit whenever any part thereof was secured or
3 granted, or the amount thereof fixed, as the result of
4 misrepresentation, fraud, or error; provided, that the
5 annuitant, pensioner, or beneficiary concerned shall be
6 notified and given an opportunity to be heard concerning such
7 proposed action. The board shall have exclusive original
8 jurisdiction in all matters relating to or affecting the fund,
9 including, in addition to all other matters, all claims for
10 annuities, benefits, refunds or pensions. However, in any
11 matter involving a question of whether benefits under this
12 Article should be terminated because of a felony conviction,
13 the board shall make the Attorney General and the State's
14 Attorney of the county in which the felony occurred parties to
15 the proceeding; the Attorney General or the State's Attorney
16 may contest the eligibility of the person convicted of the
17 felony, and the Attorney General or the State's Attorney may
18 seek judicial review of the board's decision not to terminate
19 benefits under this Article because of a felony conviction.

20 (Source: Laws 1963, p. 161.)

21 (40 ILCS 5/7-219.5 new)

22 Sec. 7-219.5. Felony forfeiture proceedings. In any matter
23 involving a question of whether benefits under this Article
24 should be terminated because of a felony conviction, the Board
25 shall make the Attorney General and the State's Attorney of the

1 county in which the felony occurred parties to the proceeding;
2 the Attorney General or the State's Attorney may contest the
3 eligibility of the person convicted of the felony, and the
4 Attorney General or the State's Attorney may seek judicial
5 review of the Board's decision not to terminate benefits under
6 this Article because of a felony conviction.

7 (40 ILCS 5/8-203) (from Ch. 108 1/2, par. 8-203)

8 Sec. 8-203. To authorize payments. To authorize or suspend
9 the payment of any annuity or benefit in accordance with this
10 Article. The board shall have exclusive original jurisdiction
11 in all matters relating to the fund, including, in addition to
12 all other matters, all claims for annuities, pensions, benefits
13 or refunds. However, in any matter involving a question of
14 whether benefits under this Article should be terminated
15 because of a felony conviction, the board shall make the
16 Attorney General and the State's Attorney of the county in
17 which the felony occurred parties to the proceeding; the
18 Attorney General or the State's Attorney may contest the
19 eligibility of the person convicted of the felony, and the
20 Attorney General or the State's Attorney may seek judicial
21 review of the board's decision not to terminate benefits under
22 this Article because of a felony conviction.

23 (Source: Laws 1963, p. 161.)

24 (40 ILCS 5/9-196) (from Ch. 108 1/2, par. 9-196)

1 Sec. 9-196. To authorize payments. To authorize or suspend
2 the payment of any annuity or benefit in accordance with this
3 Article. The board shall have exclusive original jurisdiction
4 in all matters relating to the fund, including, in addition to
5 all other matters, all claims for annuities, pensions, benefits
6 or refunds. However, in any matter involving a question of
7 whether benefits under this Article should be terminated
8 because of a felony conviction, the board shall make the
9 Attorney General and the State's Attorney of the county in
10 which the felony occurred parties to the proceeding; the
11 Attorney General or the State's Attorney may contest the
12 eligibility of the person convicted of the felony, and the
13 Attorney General or the State's Attorney may seek judicial
14 review of the board's decision not to terminate benefits under
15 this Article because of a felony conviction.

16 (Source: Laws 1963, p. 161.)

17 (40 ILCS 5/10-109.5 new)

18 Sec. 10-109.5. Felony forfeiture proceedings. In any
19 matter involving a question of whether benefits under this
20 Article should be terminated because of a felony conviction,
21 the board shall make the Attorney General and the State's
22 Attorney of the county in which the felony occurred parties to
23 the proceeding; the Attorney General or the State's Attorney
24 may contest the eligibility of the person convicted of the
25 felony, and the Attorney General or the State's Attorney may

1 seek judicial review of the board's decision not to terminate
2 benefits under this Article because of a felony conviction.

3 (40 ILCS 5/11-192) (from Ch. 108 1/2, par. 11-192)

4 Sec. 11-192. To authorize payments. To authorize or suspend
5 the payment of any annuity or benefit in accordance with this
6 Article. The board shall have exclusive original jurisdiction
7 in all matters relating to or affecting the fund, including, in
8 addition to all other matters, all claims for annuities,
9 pensions, benefits or refunds. However, in any matter involving
10 a question of whether benefits under this Article should be
11 terminated because of a felony conviction, the board shall make
12 the Attorney General and the State's Attorney of the county in
13 which the felony occurred parties to the proceeding; the
14 Attorney General or the State's Attorney may contest the
15 eligibility of the person convicted of the felony, and the
16 Attorney General or the State's Attorney may seek judicial
17 review of the board's decision not to terminate benefits under
18 this Article because of a felony conviction.

19 (Source: Laws 1963, p. 161.)

20 (40 ILCS 5/12-162) (from Ch. 108 1/2, par. 12-162)

21 Sec. 12-162. To have exclusive original jurisdiction. To
22 have exclusive original jurisdiction in all matters relating to
23 or affecting the fund, including, in addition to all other
24 matters, all claims for annuities, benefits or refunds under

1 this Article. However, in any matter involving a question of
2 whether benefits under this Article should be terminated
3 because of a felony conviction, the board shall make the
4 Attorney General and the State's Attorney of the county in
5 which the felony occurred parties to the proceeding; the
6 Attorney General or the State's Attorney may contest the
7 eligibility of the person convicted of the felony, and the
8 Attorney General or the State's Attorney may seek judicial
9 review of the board's decision not to terminate benefits under
10 this Article because of a felony conviction.

11 (Source: Laws 1963, p. 161.)

12 (40 ILCS 5/13-706) (from Ch. 108 1/2, par. 13-706)

13 Sec. 13-706. Board powers and duties. The Board shall have
14 the powers and duties set forth in this Section, in addition to
15 such other powers and duties as may be provided in this Article
16 and in this Code:

17 (a) To supervise collections. To see that all amounts
18 specified in this Article to be applied to the Fund, from
19 any source, are collected and applied.

20 (b) To notify of deductions. To notify the Clerk of the
21 Water Reclamation District of the deductions to be made
22 from the salaries of employees.

23 (c) To accept gifts. To accept by gift, grant, bequest
24 or otherwise any money or property of any kind and use the
25 same for the purposes of the Fund.

1 (d) To invest the reserves. To invest the reserves of
2 the Fund in accordance with the provisions set forth in
3 Section 1-109, 1-109.1, 1-109.2, 1-110, 1-111, 1-114, and
4 1-115 of this Code. Investments made in accordance with
5 Section 1-113 of Article 1 of this Code shall be deemed
6 prudent. The Board is also authorized to transfer
7 securities to the Illinois State Board of Investment for
8 the purpose of participation in any commingled investment
9 fund as provided in Article 22A of this Code.

10 (e) To authorize payments. To consider and pass upon
11 all applications for annuities and benefits; to authorize
12 or suspend the payment of any annuity or benefit; to
13 inquire into the validity and legality of any grant of
14 annuity or benefit paid from or payable out of the Fund; to
15 increase, reduce, or suspend any such annuity or benefit
16 whenever the annuity or benefit, or any part thereof, was
17 secured or granted, or the amount thereof fixed, as the
18 result of misrepresentation, fraud, or error. No such
19 annuity or benefit shall be permanently reduced or
20 suspended until the affected annuitant or beneficiary is
21 first notified of the proposed action and given an
22 opportunity to be heard. No trustee of the Board shall vote
23 upon that trustee's own personal claim for annuity, benefit
24 or refund, or participate in the deliberations of the Board
25 as to the validity of any such claim. The Board shall have
26 exclusive original jurisdiction in all matters of claims

1 for annuities, benefits and refunds. However, in any matter
2 involving a question of whether benefits under this Article
3 should be terminated because of a felony conviction, the
4 Board shall make the Attorney General and the State's
5 Attorney of the county in which the felony occurred parties
6 to the proceeding; the Attorney General or the State's
7 Attorney may contest the eligibility of the person
8 convicted of the felony, and the Attorney General or the
9 State's Attorney may seek judicial review of the Board's
10 decision not to terminate benefits under this Article
11 because of a felony conviction.

12 (f) To submit an annual report. To submit a report in
13 July of each year to the Board of Commissioners of the
14 Water Reclamation District as of the close of business on
15 December 31st of the preceding year. The report shall
16 include the following:

17 (1) A balance sheet, showing the financial and
18 actuarial condition of the Fund as of the end of the
19 calendar year;

20 (2) A statement of receipts and disbursements
21 during such year;

22 (3) A statement showing changes in the asset,
23 liability, reserve and surplus accounts during such
24 year;

25 (4) A detailed statement of investments as of the
26 end of the year; and

1 (5) Any additional information as is deemed
2 necessary for proper interpretation of the condition
3 of the Fund.

4 (g) To subpoena witnesses. To compel witnesses to
5 attend and testify before it upon any matter concerning the
6 Fund and allow witness fees not in excess of \$6 for
7 attendance upon any one day. The President and other
8 members of the Board may administer oaths to witnesses.

9 (h) To appoint employees and consultants. To appoint
10 such actuarial, medical, legal, investigational, clerical
11 or financial employees and consultants as are necessary,
12 and fix their compensation.

13 (i) To make rules. To make rules and regulations
14 necessary for the administration of the affairs of the
15 Fund.

16 (j) To waive guardianship. To waive the requirement of
17 legal guardianship of any minor unmarried beneficiary of
18 the Fund living with a parent or grandparent, and legal
19 guardianship of any beneficiary under legal disability
20 whose husband, wife, or parent is managing such
21 beneficiary's affairs, whenever the Board deems such
22 waiver to be in the best interest of the beneficiary.

23 (k) To collect amounts due. To collect any amounts due
24 to the Fund from any participant or beneficiary prior to
25 payment of any annuity, benefit or refund.

26 (l) To invoke rule of offset. To offset against any

1 amount payable to an employee or to any other person such
2 sums as may be due to the Fund or may have been paid by the
3 Fund due to misrepresentation, fraud or error.

4 (m) To assess and collect interest on amounts due to
5 the Fund using the annual rate as shall from time to time
6 be determined by the Board, compounded annually from the
7 date of notification to the date of payment.

8 (Source: P.A. 94-621, eff. 8-18-05; 95-586, eff. 8-31-07.)

9 (40 ILCS 5/14-149.5 new)

10 Sec. 14-149.5. Felony forfeiture proceedings. In any
11 matter involving a question of whether benefits under this
12 Article should be terminated because of a felony conviction,
13 the Board shall make the Attorney General and the State's
14 Attorney of the county in which the felony occurred parties to
15 the proceeding; the Attorney General or the State's Attorney
16 may contest the eligibility of the person convicted of the
17 felony, and the Attorney General or the State's Attorney may
18 seek judicial review of the Board's decision not to terminate
19 benefits under this Article because of a felony conviction.

20 (40 ILCS 5/15-187.5 new)

21 Sec. 15-187.5. Felony forfeiture proceedings. In any
22 matter involving a question of whether benefits under this
23 Article should be terminated because of a felony conviction,
24 the Board shall make the Attorney General and the State's

1 Attorney of the county in which the felony occurred parties to
2 the proceeding; the Attorney General or the State's Attorney
3 may contest the eligibility of the person convicted of the
4 felony, and the Attorney General or the State's Attorney may
5 seek judicial review of the Board's decision not to terminate
6 benefits under this Article because of a felony conviction.

7 (40 ILCS 5/16-199.5 new)

8 Sec. 16-199.5. Felony forfeiture proceedings. In any
9 matter involving a question of whether benefits under this
10 Article should be terminated because of a felony conviction,
11 the Board shall make the Attorney General and the State's
12 Attorney of the county in which the felony occurred parties to
13 the proceeding; the Attorney General or the State's Attorney
14 may contest the eligibility of the person convicted of the
15 felony, and the Attorney General or the State's Attorney may
16 seek judicial review of the Board's decision not to terminate
17 benefits under this Article because of a felony conviction.

18 (40 ILCS 5/17-149.2 new)

19 Sec. 17-149.2. Felony forfeiture proceedings. In any
20 matter involving a question of whether benefits under this
21 Article should be terminated because of a felony conviction,
22 the Board shall make the Attorney General and the State's
23 Attorney of the county in which the felony occurred parties to
24 the proceeding; the Attorney General or the State's Attorney

1 may contest the eligibility of the person convicted of the
2 felony, and the Attorney General or the State's Attorney may
3 seek judicial review of the Board's decision not to terminate
4 benefits under this Article because of a felony conviction.

5 (40 ILCS 5/18-163.5 new)

6 Sec. 18-163.5. Felony forfeiture proceedings. In any
7 matter involving a question of whether benefits under this
8 Article should be terminated because of a felony conviction,
9 the Board shall make the Attorney General and the State's
10 Attorney of the county in which the felony occurred parties to
11 the proceeding; the Attorney General or the State's Attorney
12 may contest the eligibility of the person convicted of the
13 felony, and the Attorney General or the State's Attorney may
14 seek judicial review of the Board's decision not to terminate
15 benefits under this Article because of a felony conviction.

16 Section 90. The State Mandates Act is amended by adding
17 Section 8.39 as follows:

18 (30 ILCS 805/8.39 new)

19 Sec. 8.39. Exempt mandate. Notwithstanding Sections 6 and 8
20 of this Act, no reimbursement by the State is required for the
21 implementation of any mandate created by this amendatory Act of
22 the 99th General Assembly.

23 Section 99. Effective date. This Act takes effect upon

1 becoming law.

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7	40 ILCS 5/6-185	from Ch. 108 1/2, par. 6-185
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9	40 ILCS 5/8-203	from Ch. 108 1/2, par. 8-203
10	40 ILCS 5/9-196	from Ch. 108 1/2, par. 9-196
11	40 ILCS 5/10-109.5 new	
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