



## 99TH GENERAL ASSEMBLY

### State of Illinois

#### 2015 and 2016

#### HB1320

Introduced 2/4/2015, by Rep. Grant Wehrli

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/3-109.1	from Ch. 108 1/2, par. 3-109.1
40 ILCS 5/3-124.1	from Ch. 108 1/2, par. 3-124.1

Amends the Downstate Police Article of the Illinois Pension Code. Provides that if a person who is receiving a police pension becomes employed as a chief of police, the person must so notify the pension fund paying the pension and any other fund in which the person has service credit, and the pension shall be suspended until the employment as chief terminates; if the person elects to participate in IMRF, the person must also notify IMRF of those police pension funds. Provides that if a person who is receiving a police pension enters service as a police officer with a different municipality, the person must so notify the pension fund paying the pension, and the pension shall be suspended until the service terminates. Applies to persons who first enter service after the effective date of this amendatory Act.

LRB099 03940 RPS 23957 b

FISCAL NOTE ACT  
MAY APPLY

PENSION IMPACT  
NOTE ACT MAY  
APPLY

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 3-109.1 and 3-124.1 as follows:

6 (40 ILCS 5/3-109.1) (from Ch. 108 1/2, par. 3-109.1)  
7 Sec. 3-109.1. Chief of police.

8 (a) Beginning January 1, 1990, any person who is employed  
9 as the chief of police of a "participating municipality" as  
10 defined in Section 7-106 of this Code, may elect to participate  
11 in the Illinois Municipal Retirement Fund rather than in a fund  
12 created under this Article 3. Except as provided in subsection  
13 (b), this election shall be irrevocable, and shall be filed in  
14 writing with the Board of the Illinois Municipal Retirement  
15 Fund.

16 (a-5) A chief of police who, after the effective date of  
17 this amendatory Act of the 99th General Assembly, elects to  
18 participate in the Illinois Municipal Retirement Fund under  
19 this Section shall immediately:

20 (i) give notice of that employment to every police  
21 pension fund established under this Article in which he or  
22 she has service credit or any entitlement to a pension or  
23 other benefit; and

1           (ii) give notice to the Illinois Municipal Retirement  
2           Fund of every police pension fund established under this  
3           Article in which he or she has service credit or any  
4           entitlement to a pension or other benefit.

5           (b) Until January 1, 1999, a chief of police who has  
6           elected under this Section to participate in IMRF rather than a  
7           fund created under this Article may elect to rescind that  
8           election and transfer his or her participation to the police  
9           pension fund established under this Article by the employing  
10          municipality. The chief must notify the boards of trustees of  
11          both funds in writing of his or her decision to rescind the  
12          election and transfer participation. A chief of police who  
13          transfers participation under this subsection (b) shall not be  
14          deemed ineligible to participate in the police pension fund by  
15          reason of having failed to apply within the 3-month period  
16          specified in Section 3-106.

17          (Source: P.A. 90-460, eff. 8-17-97.)

18                 (40 ILCS 5/3-124.1) (from Ch. 108 1/2, par. 3-124.1)

19                 Sec. 3-124.1. Re-entry into active service.

20           (a) If a police officer who is receiving pension payments  
21           (other than as provided in Section 3-109.3) re-enters active  
22           service under this Article with the same municipality, pension  
23           payment shall be suspended while he or she is in service. When  
24           he or she again retires, pension payments shall be resumed. If  
25           the police officer remains in service after re-entry for a

1 period of less than 5 years, the pension shall be the same as  
2 upon first retirement. If the officer's service after re-entry  
3 is at least 5 years and the officer makes the required  
4 contributions during the period of re-entry, his or her pension  
5 shall be recomputed by taking into account the additional  
6 period of service and salary.

7 (b) If a person who first entered service under this  
8 Article after the effective date of this amendatory Act of the  
9 99th General Assembly is receiving pension payments (other than  
10 as provided in Section 3-109.3) and enters active service as a  
11 police officer under this Article with a different  
12 municipality, he or she shall immediately notify the pension  
13 fund that is making those pension payments of the return to  
14 service under this Article, and the pension payments shall be  
15 suspended while the person is in service. The suspension shall  
16 end upon termination of the service, regardless of whether or  
17 not the person qualifies for a pension based on that service.

18 (c) If a person who first entered service under this  
19 Article after the effective date of this amendatory Act of the  
20 99th General Assembly is receiving pension payments (other than  
21 as provided in Section 3-109.3) and begins employment as a  
22 chief of police, then regardless of whether he or she elects to  
23 participate in a pension fund under this Article, elects under  
24 Section 3-109.1 to participate in the Illinois Municipal  
25 Retirement Fund, or chooses not to participate in either of  
26 those funds with respect to that employment, he or she shall

1 immediately give notice of that employment to the pension fund  
2 that is making the pension payments, and the pension payments  
3 shall be suspended for the period of that employment. The  
4 suspension shall end upon termination of the employment,  
5 regardless of whether or not the person qualifies for a  
6 pension, increase in pension, or other retirement benefit based  
7 on that employment.

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