

1 AN ACT to amend the Illinois Pension Code by changing
2 Sections 5-236 and 14-110.

3 Be it enacted by the People of the State of Illinois,
4 represented in the General Assembly:

5 Section 5. The Illinois Pension Code is amended by
6 changing Sections 5-236 and 14-110 as follows:

7 (40 ILCS 5/5-236) (from Ch. 108 1/2, par. 5-236)
8 Sec. 5-236. Transfer to Article 14.

9 (a) Until January 31, 1994, any active member of the
10 State Employees' Retirement System who is a State policeman
11 or investigator for the Secretary of State, and until June
12 30, 2002, any active member of the State Employees'
13 Retirement System who is a controlled substance inspector,
14 may apply for transfer of his creditable service accumulated
15 under this Article to the State Employees' Retirement System.
16 At the time of the transfer the Fund shall pay to the State
17 Employees' Retirement System an amount equal to:

18 (1) the amounts accumulated to the credit of the
19 applicant on the books of the Fund on the date of
20 transfer; and

21 (2) the corresponding municipality credits,
22 including interest, on the books of the Fund on the date
23 of transfer; and

24 (3) any interest paid by the applicant in order to
25 reinstate service.

26 Participation in this Fund shall terminate on the date of
27 transfer.

28 (b) Until January 31, 1994, any such State policeman or
29 investigator for the Secretary of State, and until June 30,
30 2002, any such controlled substance inspector, may reinstate
31 service that was terminated by receipt of a refund, by paying

1 to the Fund the amount of the refund with interest thereon at
2 the rate of 6% per year, compounded annually, from the date
3 of refund to the date of payment.

4 (c) Within 30 days after the effective date of this
5 amendatory Act of 1993, any active member of the State
6 Employees' Retirement System who was earning eligible
7 creditable service under subdivision (b)(12) of Section
8 14-110 on January 1, 1992 and who has at least 17 years of
9 creditable service under this Article may apply for transfer
10 of his creditable service accumulated under this Article to
11 the State Employees' Retirement System. At the time of the
12 transfer the Fund shall pay to the State Employees'
13 Retirement System an amount equal to:

14 (1) the amounts accumulated to the credit of the
15 applicant on the books of the Fund on the date of
16 transfer; and

17 (2) the corresponding municipality credits,
18 including interest, on the books of the Fund on the date
19 of transfer.

20 Participation in this Fund shall terminate on the date of
21 transfer.

22 (Source: P.A. 86-1488; 87-1265.)

23 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)
24 Sec. 14-110. Alternative retirement annuity.

25 (a) Any member who has withdrawn from service with not
26 less than 20 years of eligible creditable service and has
27 attained age 55, and any member who has withdrawn from
28 service with not less than 25 years of eligible creditable
29 service and has attained age 50, regardless of whether the
30 attainment of either of the specified ages occurs while the
31 member is still in service, shall be entitled to receive at
32 the option of the member, in lieu of the regular or minimum
33 retirement annuity, a retirement annuity computed as

1 follows:

2 (i) for periods of service as a noncovered
3 employee, 2 1/4% of final average compensation for each
4 of the first 10 years of creditable service, 2 1/2% for
5 each year above 10 years to and including 20 years of
6 creditable service, and 2 3/4% for each year of
7 creditable service above 20 years; and

8 (ii) for periods of eligible creditable service as
9 a covered employee, 1.67% of final average compensation
10 for each of the first 10 years of such service, 1.90% for
11 each of the next 10 years of such service, 2.10% for each
12 year of such service in excess of 20 but not exceeding
13 30, and 2.30% for each year in excess of 30.

14 Such annuity shall be subject to a maximum of 75% of
15 final average compensation. These rates shall not be
16 applicable to any service performed by a member as a covered
17 employee which is not eligible creditable service. Service
18 as a covered employee which is not eligible creditable
19 service shall be subject to the rates and provisions of
20 Section 14-108.

21 (b) For the purpose of this Section, "eligible
22 creditable service" means creditable service resulting from
23 service in one or more of the following positions:

- 24 (1) State policeman;
- 25 (2) fire fighter in the fire protection service of
26 a department;
- 27 (3) air pilot;
- 28 (4) special agent;
- 29 (5) investigator for the Secretary of State;
- 30 (6) conservation police officer;
- 31 (7) investigator for the Department of Revenue;
- 32 (8) security employee of the Department of Human
33 Services;
- 34 (9) Central Management Services security police

- 1 officer;
- 2 (10) security employee of the Department of
- 3 Corrections;
- 4 (11) dangerous drugs investigator;
- 5 (12) investigator for the Department of State
- 6 Police;
- 7 (13) investigator for the Office of the Attorney
- 8 General;
- 9 (14) controlled substance inspector;
- 10 (15) investigator for the Office of the State's
- 11 Attorneys Appellate Prosecutor;
- 12 (16) Commerce Commission police officer;
- 13 (17) arson investigator.

14 A person employed in one of the positions specified in
15 this subsection is entitled to eligible creditable service
16 for service credit earned under this Article while undergoing
17 the basic police training course approved by the Illinois Law
18 Enforcement Training Standards Board, if completion of that
19 training is required of persons serving in that position.
20 For the purposes of this Code, service during the required
21 basic police training course shall be deemed performance of
22 the duties of the specified position, even though the person
23 is not a sworn peace officer at the time of the training.

24 (c) For the purposes of this Section:

25 (1) The term "state policeman" includes any title
26 or position in the Department of State Police that is
27 held by an individual employed under the State Police
28 Act.

29 (2) The term "fire fighter in the fire protection
30 service of a department" includes all officers in such
31 fire protection service including fire chiefs and
32 assistant fire chiefs.

33 (3) The term "air pilot" includes any employee
34 whose official job description on file in the Department

1 of Central Management Services, or in the department by
2 which he is employed if that department is not covered by
3 the Personnel Code, states that his principal duty is the
4 operation of aircraft, and who possesses a pilot's
5 license; however, the change in this definition made by
6 this amendatory Act of 1983 shall not operate to exclude
7 any noncovered employee who was an "air pilot" for the
8 purposes of this Section on January 1, 1984.

9 (4) The term "special agent" means any person who
10 by reason of employment by the Division of Narcotic
11 Control, the Bureau of Investigation or, after July 1,
12 1977, the Division of Criminal Investigation, the
13 Division of Internal Investigation, the Division of
14 Operations, or any other Division or organizational
15 entity in the Department of State Police is vested by law
16 with duties to maintain public order, investigate
17 violations of the criminal law of this State, enforce the
18 laws of this State, make arrests and recover property.
19 The term "special agent" includes any title or position
20 in the Department of State Police that is held by an
21 individual employed under the State Police Act.

22 (5) The term "investigator for the Secretary of
23 State" means any person employed by the Office of the
24 Secretary of State and vested with such investigative
25 duties as render him ineligible for coverage under the
26 Social Security Act by reason of Sections 218(d)(5)(A),
27 218(d)(8)(D) and 218(1)(1) of that Act.

28 A person who became employed as an investigator for
29 the Secretary of State between January 1, 1967 and
30 December 31, 1975, and who has served as such until
31 attainment of age 60, either continuously or with a
32 single break in service of not more than 3 years
33 duration, which break terminated before January 1, 1976,
34 shall be entitled to have his retirement annuity

1 calculated in accordance with subsection (a),
2 notwithstanding that he has less than 20 years of credit
3 for such service.

4 (6) The term "Conservation Police Officer" means
5 any person employed by the Division of Law Enforcement of
6 the Department of Natural Resources and vested with such
7 law enforcement duties as render him ineligible for
8 coverage under the Social Security Act by reason of
9 Sections 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of
10 that Act. The term "Conservation Police Officer"
11 includes the positions of Chief Conservation Police
12 Administrator and Assistant Conservation Police
13 Administrator.

14 (7) The term "investigator for the Department of
15 Revenue" means any person employed by the Department of
16 Revenue and vested with such investigative duties as
17 render him ineligible for coverage under the Social
18 Security Act by reason of Sections 218(d)(5)(A),
19 218(d)(8)(D) and 218(1)(1) of that Act.

20 (8) The term "security employee of the Department
21 of Human Services" means any person employed by the
22 Department of Human Services who is employed at the
23 Chester Mental Health Center and has daily contact with
24 the residents thereof, or who is a mental health police
25 officer. "Mental health police officer" means any person
26 employed by the Department of Human Services in a
27 position pertaining to the Department's mental health and
28 developmental disabilities functions who is vested with
29 such law enforcement duties as render the person
30 ineligible for coverage under the Social Security Act by
31 reason of Sections 218(d)(5)(A), 218(d)(8)(D) and
32 218(1)(1) of that Act.

33 (9) "Central Management Services security police
34 officer" means any person employed by the Department of

1 Central Management Services who is vested with such law
2 enforcement duties as render him ineligible for coverage
3 under the Social Security Act by reason of Sections
4 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

5 (10) The term "security employee of the Department
6 of Corrections" means any employee of the Department of
7 Corrections or the former Department of Personnel, and
8 any member or employee of the Prisoner Review Board, who
9 has daily contact with inmates by working within a
10 correctional facility or who is a parole officer or an
11 employee who has direct contact with committed persons in
12 the performance of his or her job duties.

13 (11) The term "dangerous drugs investigator" means
14 any person who is employed as such by the Department of
15 Human Services.

16 (12) The term "investigator for the Department of
17 State Police" means a person employed by the Department
18 of State Police who is vested under Section 4 of the
19 Narcotic Control Division Abolition Act with such law
20 enforcement powers as render him ineligible for coverage
21 under the Social Security Act by reason of Sections
22 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

23 (13) "Investigator for the Office of the Attorney
24 General" means any person who is employed as such by the
25 Office of the Attorney General and is vested with such
26 investigative duties as render him ineligible for
27 coverage under the Social Security Act by reason of
28 Sections 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that
29 Act. For the period before January 1, 1989, the term
30 includes all persons who were employed as investigators
31 by the Office of the Attorney General, without regard to
32 social security status.

33 (14) "Controlled substance inspector" means any
34 person who is employed as such by the Department of

1 Professional Regulation and is vested with such law
2 enforcement duties as render him ineligible for coverage
3 under the Social Security Act by reason of Sections
4 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.
5 The term "controlled substance inspector" includes the
6 Program Executive of Enforcement and the Assistant
7 Program Executive of Enforcement.

8 (15) The term "investigator for the Office of the
9 State's Attorneys Appellate Prosecutor" means a person
10 employed in that capacity on a full time basis under the
11 authority of Section 7.06 of the State's Attorneys
12 Appellate Prosecutor's Act.

13 (16) "Commerce Commission police officer" means any
14 person employed by the Illinois Commerce Commission who
15 is vested with such law enforcement duties as render him
16 ineligible for coverage under the Social Security Act by
17 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and
18 218(1)(1) of that Act.

19 (17) "Arson investigator" means any person who is
20 employed as such by the Office of the State Fire Marshal
21 and is vested with such law enforcement duties as render
22 the person ineligible for coverage under the Social
23 Security Act by reason of Sections 218(d)(5)(A),
24 218(d)(8)(D), and 218(1)(1) of that Act. A person who
25 was employed as an arson investigator on January 1, 1995
26 and is no longer in service but not yet receiving a
27 retirement annuity may convert his or her creditable
28 service for employment as an arson investigator into
29 eligible creditable service by paying to the System the
30 difference between the employee contributions actually
31 paid for that service and the amounts that would have
32 been contributed if the applicant were contributing at
33 the rate applicable to persons with the same social
34 security status earning eligible creditable service on

1 the date of application.

2 (d) A security employee of the Department of
3 Corrections, and a security employee of the Department of
4 Human Services who is not a mental health police officer,
5 shall not be eligible for the alternative retirement annuity
6 provided by this Section unless he or she meets the following
7 minimum age and service requirements at the time of
8 retirement:

9 (i) 25 years of eligible creditable service and age
10 55; or

11 (ii) beginning January 1, 1987, 25 years of
12 eligible creditable service and age 54, or 24 years of
13 eligible creditable service and age 55; or

14 (iii) beginning January 1, 1988, 25 years of
15 eligible creditable service and age 53, or 23 years of
16 eligible creditable service and age 55; or

17 (iv) beginning January 1, 1989, 25 years of
18 eligible creditable service and age 52, or 22 years of
19 eligible creditable service and age 55; or

20 (v) beginning January 1, 1990, 25 years of eligible
21 creditable service and age 51, or 21 years of eligible
22 creditable service and age 55; or

23 (vi) beginning January 1, 1991, 25 years of
24 eligible creditable service and age 50, or 20 years of
25 eligible creditable service and age 55.

26 Persons who have service credit under Article 16 of this
27 Code for service as a security employee of the Department of
28 Corrections in a position requiring certification as a
29 teacher may count such service toward establishing their
30 eligibility under the service requirements of this Section;
31 but such service may be used only for establishing such
32 eligibility, and not for the purpose of increasing or
33 calculating any benefit.

34 (e) If a member enters military service while working in

1 a position in which eligible creditable service may be
2 earned, and returns to State service in the same or another
3 such position, and fulfills in all other respects the
4 conditions prescribed in this Article for credit for military
5 service, such military service shall be credited as eligible
6 creditable service for the purposes of the retirement annuity
7 prescribed in this Section.

8 (f) For purposes of calculating retirement annuities
9 under this Section, periods of service rendered after
10 December 31, 1968 and before October 1, 1975 as a covered
11 employee in the position of special agent, conservation
12 police officer, mental health police officer, or investigator
13 for the Secretary of State, shall be deemed to have been
14 service as a noncovered employee, provided that the employee
15 pays to the System prior to retirement an amount equal to (1)
16 the difference between the employee contributions that would
17 have been required for such service as a noncovered employee,
18 and the amount of employee contributions actually paid, plus
19 (2) if payment is made after July 31, 1987, regular interest
20 on the amount specified in item (1) from the date of service
21 to the date of payment.

22 For purposes of calculating retirement annuities under
23 this Section, periods of service rendered after December 31,
24 1968 and before January 1, 1982 as a covered employee in the
25 position of investigator for the Department of Revenue shall
26 be deemed to have been service as a noncovered employee,
27 provided that the employee pays to the System prior to
28 retirement an amount equal to (1) the difference between the
29 employee contributions that would have been required for such
30 service as a noncovered employee, and the amount of employee
31 contributions actually paid, plus (2) if payment is made
32 after January 1, 1990, regular interest on the amount
33 specified in item (1) from the date of service to the date of
34 payment.

1 (g) A State policeman may elect, not later than January
2 1, 1990, to establish eligible creditable service for up to
3 10 years of his service as a policeman under Article 3, by
4 filing a written election with the Board, accompanied by
5 payment of an amount to be determined by the Board, equal to
6 (i) the difference between the amount of employee and
7 employer contributions transferred to the System under
8 Section 3-110.5, and the amounts that would have been
9 contributed had such contributions been made at the rates
10 applicable to State policemen, plus (ii) interest thereon at
11 the effective rate for each year, compounded annually, from
12 the date of service to the date of payment.

13 Subject to the limitation in subsection (i), a State
14 policeman may elect, not later than July 1, 1993, to
15 establish eligible creditable service for up to 10 years of
16 his service as a member of the County Police Department under
17 Article 9, by filing a written election with the Board,
18 accompanied by payment of an amount to be determined by the
19 Board, equal to (i) the difference between the amount of
20 employee and employer contributions transferred to the System
21 under Section 9-121.10 and the amounts that would have been
22 contributed had those contributions been made at the rates
23 applicable to State policemen, plus (ii) interest thereon at
24 the effective rate for each year, compounded annually, from
25 the date of service to the date of payment.

26 (h) Subject to the limitation in subsection (i), a State
27 policeman or investigator for the Secretary of State may
28 elect to establish eligible creditable service for up to 12
29 years of his service as a policeman under Article 5, by
30 filing a written election with the Board on or before January
31 31, 1992, and paying to the System by January 31, 1994 an
32 amount to be determined by the Board, equal to (i) the
33 difference between the amount of employee and employer
34 contributions transferred to the System under Section 5-236,

1 and the amounts that would have been contributed had such
2 contributions been made at the rates applicable to State
3 policemen, plus (ii) interest thereon at the effective rate
4 for each year, compounded annually, from the date of service
5 to the date of payment.

6 Subject to the limitation in subsection (i), a controlled
7 substance inspector may elect to establish eligible
8 creditable service for up to 12 years of his service as a
9 policeman under Article 5, by filing a written election with
10 the Board on or before June 30, 2002 and paying to the System
11 by June 30, 2003 an amount to be determined by the Board,
12 equal to (i) the difference between the amount of employee
13 and employer contributions transferred to the System under
14 Section 5-236 and the amounts that would have been
15 contributed had such contributions been made at the rates
16 applicable to State policemen, plus (ii) interest thereon at
17 the effective rate for each year, compounded annually, from
18 the date of service to the date of payment.

19 Subject to the limitation in subsection (i), a State
20 policeman, conservation police officer, or investigator for
21 the Secretary of State may elect to establish eligible
22 creditable service for up to 10 years of service as a
23 sheriff's law enforcement employee under Article 7, by filing
24 a written election with the Board on or before January 31,
25 1993, and paying to the System by January 31, 1994 an amount
26 to be determined by the Board, equal to (i) the difference
27 between the amount of employee and employer contributions
28 transferred to the System under Section 7-139.7, and the
29 amounts that would have been contributed had such
30 contributions been made at the rates applicable to State
31 policemen, plus (ii) interest thereon at the effective rate
32 for each year, compounded annually, from the date of service
33 to the date of payment.

34 (i) The total amount of eligible creditable service

1 established by any person under subsections (g), (h), (j),
2 (k), and (l) of this Section shall not exceed 12 years.

3 (j) Subject to the limitation in subsection (i), an
4 investigator for the Office of the State's Attorneys
5 Appellate Prosecutor or a controlled substance inspector may
6 elect to establish eligible creditable service for up to 10
7 years of his service as a policeman under Article 3 or a
8 sheriff's law enforcement employee under Article 7, by filing
9 a written election with the Board, accompanied by payment of
10 an amount to be determined by the Board, equal to (1) the
11 difference between the amount of employee and employer
12 contributions transferred to the System under Section 3-110.6
13 or 7-139.8, and the amounts that would have been contributed
14 had such contributions been made at the rates applicable to
15 State policemen, plus (2) interest thereon at the effective
16 rate for each year, compounded annually, from the date of
17 service to the date of payment.

18 (k) Subject to the limitation in subsection (i) of this
19 Section, an alternative formula employee may elect to
20 establish eligible creditable service for periods spent as a
21 full-time law enforcement officer or full-time corrections
22 officer employed by the federal government or by a state or
23 local government located outside of Illinois, for which
24 credit is not held in any other public employee pension fund
25 or retirement system. To obtain this credit, the applicant
26 must file a written application with the Board by March 31,
27 1998, accompanied by evidence of eligibility acceptable to
28 the Board and payment of an amount to be determined by the
29 Board, equal to (1) employee contributions for the credit
30 being established, based upon the applicant's salary on the
31 first day as an alternative formula employee after the
32 employment for which credit is being established and the
33 rates then applicable to alternative formula employees, plus
34 (2) an amount determined by the Board to be the employer's

1 normal cost of the benefits accrued for the credit being
2 established, plus (3) regular interest on the amounts in
3 items (1) and (2) from the first day as an alternative
4 formula employee after the employment for which credit is
5 being established to the date of payment.

6 (1) Subject to the limitation in subsection (i), a
7 security employee of the Department of Corrections may elect,
8 not later than July 1, 1998, to establish eligible creditable
9 service for up to 10 years of his or her service as a
10 policeman under Article 3, by filing a written election with
11 the Board, accompanied by payment of an amount to be
12 determined by the Board, equal to (i) the difference between
13 the amount of employee and employer contributions transferred
14 to the System under Section 3-110.5, and the amounts that
15 would have been contributed had such contributions been made
16 at the rates applicable to security employees of the
17 Department of Corrections, plus (ii) interest thereon at the
18 effective rate for each year, compounded annually, from the
19 date of service to the date of payment.

20 (Source: P.A. 90-32, eff. 6-27-97; 91-357, eff. 7-29-99;
21 91-760, eff. 1-1-01.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.