



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB1247

Introduced 1/31/2023, by Rep. Steven Reick - Adam M. Niemerg

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/16-169.1	
40 ILCS 5/16-169.2 new	
40 ILCS 5/16-199	from Ch. 108 1/2, par. 16-199
40 ILCS 5/17-143.5	
40 ILCS 5/17-143.6 new	
40 ILCS 5/17-149.1	from Ch. 108 1/2, par. 17-149.1

Amends the Downstate Teacher and Chicago Teacher Articles of the Illinois Pension Code. Provides that none of the benefits provided for in either Article shall be paid to a person if the person first becomes a member on or after the effective date of the amendatory Act and a board, after an administrative hearing, determines that the person sexually abused a student. Provides that an employer must notify a board if a retiring member has been accused of sexually abusing a student. Provides that a board may, through an administrative hearing, review the claim of sexual abuse and may order that benefits be forfeited. Provides that the changes made by the amendatory Act shall not operate to impair any contract or vested right acquired before the effective date of the amendatory Act nor to preclude the right to a refund. Provides that all teachers entering service on or after the effective date of the amendatory Act shall be deemed to have consented to the provisions of the amendatory Act as a condition of membership. Makes conforming changes. Effective immediately.

LRB103 04928 RPS 49938 b

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  
5 changing Sections 16-169.1, 16-199, 17-143.5, and 17-149.1 and  
6 by adding Sections 16-169.2 and 17-143.6 as follows:

7 (40 ILCS 5/16-169.1)

8 Sec. 16-169.1. Testimony and the production of records.  
9 The secretary of the Board shall have the power to issue  
10 subpoenas to compel the attendance of witnesses and the  
11 production of documents and records, including law enforcement  
12 records maintained by law enforcement agencies, in conjunction  
13 with the determination of employer payments required under  
14 subsection (f) of Section 16-158, a disability claim, an  
15 administrative review proceeding, an attempt to obtain  
16 information to assist in the collection of sums due to the  
17 System, or a ~~felony~~ forfeiture investigation under Section  
18 16-169.2 or 16-199. The fees of witnesses for attendance and  
19 travel shall be the same as the fees of witnesses before the  
20 circuit courts of this State and shall be paid by the party  
21 seeking the subpoena. The Board may apply to any circuit court  
22 in the State for an order requiring compliance with a subpoena  
23 issued under this Section. Subpoenas issued under this Section

1 shall be subject to applicable provisions of the Code of Civil  
2 Procedure.

3 (Source: P.A. 99-450, eff. 8-24-15.)

4 (40 ILCS 5/16-169.2 new)

5 Sec. 16-169.2. Sexual abuse accusations. An employer must  
6 notify the Board if a retiring member has been accused of  
7 sexually abusing a student. The Board may, through an  
8 administrative hearing, review the claim of sexual abuse and  
9 may order that the member's benefits be forfeited under  
10 Section 16-199.

11 (40 ILCS 5/16-199) (from Ch. 108 1/2, par. 16-199)

12 Sec. 16-199. Felony conviction; sexual abuse of a student.  
13 None of the benefits provided for in this Article shall be paid  
14 to any person who is convicted of any felony relating to or  
15 arising out of or in connection with his or her service as a  
16 teacher.

17 None of the benefits provided for in this Article shall be  
18 paid to any person who otherwise would receive a survivor  
19 benefit who is convicted of any felony relating to or arising  
20 out of or in connection with the service of the teacher from  
21 whom the benefit results.

22 None of the benefits provided for in this Article shall be  
23 paid to any person who first becomes a member on or after the  
24 effective date of this amendatory Act of the 103rd General

1 Assembly and who the Board determines under Section 16-169.2  
2 to have sexually abused a student.

3 This Section shall not operate to impair any contract or  
4 vested right acquired prior to July 9, 1955 under any law or  
5 laws continued in this Article, nor to preclude the right to a  
6 refund, and for the changes under Public Act 100-334 ~~this~~  
7 ~~amendatory Act of the 100th General Assembly~~, shall not impair  
8 any contract or vested right acquired by a survivor prior to  
9 August 25, 2017 (the effective date of Public Act 100-334)  
10 ~~this amendatory Act of the 100th General Assembly~~. The changes  
11 made by this amendatory Act of the 103rd General Assembly  
12 shall not operate to impair any contract or vested right  
13 acquired before the effective date of this amendatory Act of  
14 the 103rd General Assembly. The System may sue any such person  
15 to collect all moneys paid in excess of refundable  
16 contributions.

17 All teachers entering or re-entering service after July 9,  
18 1955 shall be deemed to have consented to the provisions of  
19 this Section as a condition of membership, and all  
20 participants entering service subsequent to August 25, 2017  
21 (the effective date of Public Act 100-334) ~~this amendatory Act~~  
22 ~~of the 100th General Assembly~~ shall be deemed to have  
23 consented to the provisions of Public Act 100-334 ~~this~~  
24 ~~amendatory Act~~ as a condition of participation. All teachers  
25 entering service on or after the effective date of this  
26 amendatory Act of the 103rd General Assembly shall be deemed

1 to have consented to the provisions of this amendatory Act of  
2 the 103rd General Assembly as a condition of membership.

3 (Source: P.A. 100-334, eff. 8-25-17.)

4 (40 ILCS 5/17-143.5)

5 Sec. 17-143.5. Testimony and the production of records.  
6 The Board shall have the power to issue subpoenas to compel the  
7 attendance of witnesses and the production of documents and  
8 records in conjunction with the determination of employer  
9 payments required under subsection (c) of Section 17-116, a  
10 disability claim, an administrative review proceeding, an  
11 attempt to obtain information to assist in the collection of  
12 sums due to the Fund, or a ~~felony~~ forfeiture investigation  
13 under Section 17-143.6 or 17-149.1. The fees of witnesses for  
14 attendance and travel shall be the same as the fees of  
15 witnesses before the circuit courts of this State and shall be  
16 paid by the party seeking the subpoena. The Board may apply to  
17 any circuit court in the State for an order requiring  
18 compliance with a subpoena issued under this Section.  
19 Subpoenas issued under this Section shall be subject to  
20 applicable provisions of the Code of Civil Procedure.

21 (Source: P.A. 99-786, eff. 8-12-16.)

22 (40 ILCS 5/17-143.6 new)

23 Sec. 17-143.6. Sexual abuse accusations. An Employer must  
24 notify the Board if a retiring member has been accused of

1 sexually abusing a student. The Board may, through an  
2 administrative hearing, review the claim of sexual abuse and  
3 may order that the member's benefits be forfeited under  
4 Section 17-149.1.

5 (40 ILCS 5/17-149.1) (from Ch. 108 1/2, par. 17-149.1)

6 Sec. 17-149.1. Felony conviction; sexual abuse of a  
7 student. None of the benefits provided for in this Article  
8 shall be paid to any person who is convicted of any felony  
9 relating to or arising out of or in connection with his or her  
10 service as a teacher.

11 None of the benefits provided for in this Article shall be  
12 paid to any person who otherwise would receive a survivor  
13 benefit who is convicted of any felony relating to or arising  
14 out of or in connection with the service of the teacher from  
15 whom the benefit results.

16 None of the benefits provided for in this Article shall be  
17 paid to any person who first becomes a member on or after the  
18 effective date of this amendatory Act of the 103rd General  
19 Assembly and who the Board determines under Section 17-143.6  
20 to have sexually abused a student.

21 This Section shall not operate to impair any contract or  
22 vested right acquired prior to January 1, 1988, nor to  
23 preclude the right to a refund, and for the changes under  
24 Public Act 100-334 ~~this amendatory Act of the 100th General~~  
25 ~~Assembly~~, shall not impair any contract or vested right

1 acquired by a survivor prior to August 25, 2017 (the effective  
2 date of Public Act 100-334) ~~this amendatory Act of the 100th~~  
3 ~~General Assembly. The changes made by this amendatory Act of~~  
4 the 103rd General Assembly shall not operate to impair any  
5 contract or vested right acquired before the effective date of  
6 this amendatory Act of the 103rd General Assembly.

7 All teachers entering service after January 1, 1988 shall  
8 be deemed to have consented to the provisions of this Section  
9 as a condition of membership, and all participants entering  
10 service subsequent to August 25, 2017 (the effective date of  
11 Public Act 100-334) ~~this amendatory Act of the 100th General~~  
12 ~~Assembly~~ shall be deemed to have consented to the provisions  
13 of Public Act 100-334 ~~this amendatory Act~~ as a condition of  
14 participation. All teachers entering service on or after the  
15 effective date of this amendatory Act of the 103rd General  
16 Assembly shall be deemed to have consented to the provisions  
17 of this amendatory Act of the 103rd General Assembly as a  
18 condition of membership.

19 (Source: P.A. 100-334, eff. 8-25-17.)

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law.