

104TH GENERAL ASSEMBLY**State of Illinois****2025 and 2026****HB2721**

Introduced 2/6/2025, by Rep. Curtis J. Tarver, II

SYNOPSIS AS INTRODUCED:

40 ILCS 5/16-199

from Ch. 108 1/2, par. 16-199

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 those Articles shall be paid to any person who is convicted of any crime under the Sex Offenses Article of the Criminal Code of 2012 or of a crime that requires registration under the Sex Offender Registration Act. Provides that none of the benefits shall be paid to a person during a criminal investigation for acts that constitute a crime under the Sex Offenses Article of the Criminal Code of 2012 or to a person during a criminal proceeding for a violation of Article 11 of the Criminal Code of 2012. If criminal charges under the Sex Offenses Article of the Criminal Code of 2012 are dismissed with prejudice or the person is acquitted of those criminal charges, then the right to benefit payments shall resume. Provides that none of the benefits shall be paid to a person during an investigation by an inspector general in connection with acts of sexual misconduct committed against a student. Provides that, if the inspector general finds that the allegations of sexual misconduct are substantiated, then none of the benefits shall be paid to that person. Provides that, if the inspector general finds that the allegations of sexual misconduct against a student are without merit, unsubstantiated, or unfounded, then the right to benefit payments shall resume. Specifies that provisions concerning the forfeiture of benefits apply without regard to whether the person resigned or was terminated from employment. Provides that the changes made by the amendatory Act apply only to a person who first becomes a teacher on or after the effective date of the amendatory Act. Makes other changes.

LRB104 09005 RPS 19061 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 16-199 and 17-149.1 as follows:

6 (40 ILCS 5/16-199) (from Ch. 108 1/2, par. 16-199)

7 Sec. 16-199. Felony conviction; sexual misconduct; and
8 investigations. None of the benefits provided for in this
9 Article shall be paid to any person who is convicted of any
10 felony relating to or arising out of or in connection with his
11 or her service as a teacher.

12 None of the benefits provided for in this Article shall be
13 paid to any person who is convicted of any crime under Article
14 11 of the Criminal Code of 2012 or a crime that requires
15 registration under the Sex Offender Registration Act.

16 None of the benefits provided for in this Article shall be
17 paid to a person during a criminal investigation for acts that
18 constitute a crime under Article 11 of the Criminal Code of
19 2012 or to a person during a criminal proceeding for a
20 violation of Article 11 of the Criminal Code of 2012. If
21 criminal charges under Article 11 of the Criminal Code of 2012
22 are dismissed with prejudice or the person is acquitted of
23 those criminal charges, then the right to benefit payments

1 shall resume.

2 None of the benefits provided for in this Article shall be
3 paid to a person during an investigation by an inspector
4 general in connection with acts of sexual misconduct committed
5 against a student. If the inspector general finds that the
6 allegations of sexual misconduct are substantiated, then none
7 of the benefits provided for in this Article shall be paid to
8 that person. If the inspector general finds that the
9 allegations of sexual misconduct against a student are without
10 merit, unsubstantiated, or unfounded, then the right to
11 benefit payments shall resume.

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

17 This Section shall not operate to impair any contract or
18 vested right acquired prior to July 9, 1955 under any law or
19 laws continued in this Article, nor to preclude the right to a
20 refund, and for the changes under this amendatory Act of the
21 100th General Assembly, shall not impair any contract or
22 vested right acquired by a survivor prior to the effective
23 date of this amendatory Act of the 100th General Assembly. The
24 System may sue any such person to collect all moneys paid in
25 excess of refundable contributions.

26 All teachers entering or re-entering service after July 9,

1 1955 shall be deemed to have consented to the provisions of
2 this Section as a condition of membership, and all
3 participants entering service subsequent to the effective date
4 of this amendatory Act of the 100th General Assembly shall be
5 deemed to have consented to the provisions of this amendatory
6 Act as a condition of participation. All teachers entering
7 service after the effective date of this amendatory Act of the
8 104th General Assembly shall be deemed to have consented to
9 the provisions of this amendatory Act of the 104th General
10 Assembly as a condition of participation.

11 This Section applies without regard to whether the person
12 resigned or was terminated from employment. The changes made
13 to this Section by this amendatory Act of the 104th General
14 Assembly apply only to persons who first become a teacher on or
15 after the effective date of this amendatory Act of the 104th
16 General Assembly.

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

18 (40 ILCS 5/17-149.1) (from Ch. 108 1/2, par. 17-149.1)
19 Sec. 17-149.1. Felony conviction; sexual misconduct; and
20 investigations. None of the benefits provided for in this
21 Article shall be paid to any person who is convicted of any
22 felony relating to or arising out of or in connection with his
23 or her service as a teacher.

24 None of the benefits provided for in this Article shall be
25 paid to any person who is convicted of any crime under Article

1 11 of the Criminal Code of 2012 or a crime that requires
2 registration under the Sex Offender Registration Act.

3 None of the benefits provided for in this Article shall be
4 paid to a person during a criminal investigation for acts that
5 constitute a crime under Article 11 of the Criminal Code of
6 2012 or to a person during a criminal proceeding for a
7 violation of Article 11 of the Criminal Code of 2012. If
8 criminal charges under Article 11 of the Criminal Code of 2012
9 are dismissed with prejudice or the person is acquitted of
10 those criminal charges, then the right to benefit payments
11 shall resume.

12 None of the benefits provided for in this Article shall be
13 paid to a person during an investigation by an inspector
14 general in connection with acts of sexual misconduct committed
15 against a student. If the inspector general finds that the
16 allegations of sexual misconduct are substantiated, then none
17 of the benefits provided for in this Article shall be paid to
18 that person. If the inspector general finds that the
19 allegations of sexual misconduct against a student are without
20 merit, unsubstantiated, or unfounded, then the right to
21 benefit payments shall resume.

22 None of the benefits provided for in this Article shall be
23 paid to any person who otherwise would receive a survivor
24 benefit who is convicted of any felony relating to or arising
25 out of or in connection with the service of the teacher from
26 whom the benefit results.

1 This Section shall not operate to impair any contract or
2 vested right acquired prior to January 1, 1988, nor to
3 preclude the right to a refund, and for the changes under this
4 amendatory Act of the 100th General Assembly, shall not impair
5 any contract or vested right acquired by a survivor prior to
6 the effective date of this amendatory Act of the 100th General
7 Assembly.

8 All teachers entering service after January 1, 1988 shall
9 be deemed to have consented to the provisions of this Section
10 as a condition of membership, and all participants entering
11 service subsequent to the effective date of this amendatory
12 Act of the 100th General Assembly shall be deemed to have
13 consented to the provisions of this amendatory Act as a
14 condition of participation. All teachers entering service
15 after the effective date of this amendatory Act of the 104th
16 General Assembly shall be deemed to have consented to the
17 provisions of this amendatory Act of the 104th General
18 Assembly as a condition of participation.

19 This Section applies without regard to whether the person
20 resigned or was terminated from employment. The changes made
21 to this Section by this amendatory Act of the 104th General
22 Assembly apply only to persons who first become a teacher on or
23 after the effective date of this amendatory Act of the 104th
24 General Assembly.

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