

**SB1710**



**104TH GENERAL ASSEMBLY**

**State of Illinois**

**2025 and 2026**

**SB1710**

Introduced 2/5/2025, by Sen. Robert F. Martwick

**SYNOPSIS AS INTRODUCED:**

40 ILCS 5/1-107

from Ch. 108 1/2, par. 1-107

30 ILCS 805/8.49 new

Amends the General Provisions Article of the Illinois Pension Code. Provides that every retirement system, pension fund, or other system or fund established under the Code shall (instead of may) indemnify and protect the trustees, staff, and consultants against all damage claims and suits, including the defense thereof, when damages are sought for negligent or wrongful acts alleged to have been committed in the scope of employment or under the direction of the trustees. Amends the State Mandates Act to require implementation without reimbursement.

LRB104 11099 RPS 21181 b

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

A BILL FOR

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 Section 1-107 as follows:

6           (40 ILCS 5/1-107) (from Ch. 108 1/2, par. 1-107)

7           Sec. 1-107. Indemnification of trustees, consultants, and  
8           employees of retirement systems and pension funds. Every  
9           retirement system, pension fund, or other system or fund  
10          established under this Code shall ~~may~~ indemnify and protect  
11          the trustees, staff, and consultants against all damage claims  
12          and suits, including the defense thereof, when damages are  
13          sought for negligent or wrongful acts alleged to have been  
14          committed in the scope of employment or under the direction of  
15          the trustees. However, the trustees, staff and consultants  
16          shall not be indemnified for willful ~~wilful~~ misconduct and  
17          gross negligence. Each board is authorized to insure against  
18          loss or liability of the trustees, staff and consultants which  
19          may result from these damage claims. This insurance shall be  
20          carried in a company which is licensed to write such coverage  
21          in this State.

22          (Source: P.A. 80-1364.)

1           Section 90. The State Mandates Act is amended by adding  
2 Section 8.49 as follows:

3           (30 ILCS 805/8.49 new)

4           Sec. 8.49. Exempt mandate. Notwithstanding Sections 6 and  
5           8 of this Act, no reimbursement by the State is required for  
6           the implementation of any mandate created by this amendatory  
7           Act of the 104th General Assembly.