



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4287

Introduced 1/28/2020, by Rep. Steven Reick

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 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 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.

LRB101 16856 RPS 66255 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 16-169.1, 16-199, 17-143.5, and 17-149.1 and by adding
6 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. The
9 secretary of the Board shall have the power to issue subpoenas
10 to compel the attendance of witnesses and the production of
11 documents and records, including law enforcement records
12 maintained by law enforcement agencies, in conjunction with the
13 determination of employer payments required under subsection
14 (f) of Section 16-158, a disability claim, an administrative
15 review proceeding, an attempt to obtain information to assist
16 in the collection of sums due to the System, or a ~~felony~~
17 forfeiture investigation under Section 16-169.2 or 16-199. The
18 fees of witnesses for attendance and travel shall be the same
19 as the fees of witnesses before the circuit courts of this
20 State and shall be paid by the party seeking the subpoena. The
21 Board may apply to any circuit court in the State for an order
22 requiring compliance with a subpoena issued under this Section.
23 Subpoenas issued under this Section shall be subject to

1 applicable provisions of the Code of Civil Procedure.

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

3 (40 ILCS 5/16-169.2 new)

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

10 (40 ILCS 5/16-199) (from Ch. 108 1/2, par. 16-199)

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

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

21 None of the benefits provided for in this Article shall be
22 paid to any person who first becomes a member after the
23 effective date of this amendatory Act of the 101st General
24 Assembly and who the Board determines under Section 16-169.2 to

1 have sexually abused a student.

2 This Section shall not operate to impair any contract or
3 vested right acquired prior to July 9, 1955 under any law or
4 laws continued in this Article, nor to preclude the right to a
5 refund, and for the changes under Public Act 100-334 ~~this~~
6 ~~amendatory Act of the 100th General Assembly~~, shall not impair
7 any contract or vested right acquired by a survivor prior to
8 August 25, 2017 (the effective date of Public Act 100-334) ~~this~~
9 ~~amendatory Act of the 100th General Assembly~~. The changes made
10 by this amendatory Act of the 101st General Assembly shall not
11 operate to impair any contract or vested right acquired before
12 the effective date of this amendatory Act of the 101st General
13 Assembly. The System may sue any such person to collect all
14 moneys paid in excess of refundable contributions.

15 All teachers entering or re-entering service after July 9,
16 1955 shall be deemed to have consented to the provisions of
17 this Section as a condition of membership, and all participants
18 entering service subsequent to August 25, 2017 (the effective
19 date of Public Act 100-334) ~~this amendatory Act of the 100th~~
20 ~~General Assembly~~ shall be deemed to have consented to the
21 provisions of Public Act 100-334 ~~this amendatory Act~~ as a
22 condition of participation. All teachers entering service
23 after the effective date of this amendatory Act of the 101st
24 General Assembly shall be deemed to have consented to the
25 provisions of this amendatory Act of the 101st General Assembly
26 as a condition of membership.

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

2 (40 ILCS 5/17-143.5)

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

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

20 (40 ILCS 5/17-143.6 new)

21 Sec. 17-143.6. Sexual abuse accusations. An Employer must
22 notify the Board if a retiring member has been accused of
23 sexually abusing a student. The Board may, through an
24 administrative hearing, review the claim of sexual abuse and

1 may order that the member's benefits be forfeited under Section
2 17-149.1.

3 (40 ILCS 5/17-149.1) (from Ch. 108 1/2, par. 17-149.1)

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

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

14 None of the benefits provided for in this Article shall be
15 paid to any person who first becomes a member after the
16 effective date of this amendatory Act of the 101st General
17 Assembly and who the Board determines under Section 17-143.6 to
18 have sexually abused a student.

19 This Section shall not operate to impair any contract or
20 vested right acquired prior to January 1, 1988, nor to preclude
21 the right to a refund, and for the changes under Public Act
22 100-334 ~~this amendatory Act of the 100th General Assembly,~~
23 shall not impair any contract or vested right acquired by a
24 survivor prior to August 25, 2017 (the effective date of Public
25 Act 100-334) ~~this amendatory Act of the 100th General Assembly.~~

1 The changes made by this amendatory Act of the 101st General
2 Assembly shall not operate to impair any contract or vested
3 right acquired before the effective date of this amendatory Act
4 of the 101st General Assembly.

5 All teachers entering service after January 1, 1988 shall
6 be deemed to have consented to the provisions of this Section
7 as a condition of membership, and all participants entering
8 service subsequent to August 25, 2017 (the effective date of
9 Public Act 100-334) ~~this amendatory Act of the 100th General~~
10 ~~Assembly~~ shall be deemed to have consented to the provisions of
11 Public Act 100-334 ~~this amendatory Act~~ as a condition of
12 participation. All teachers entering service after the
13 effective date of this amendatory Act of the 101st General
14 Assembly shall be deemed to have consented to the provisions of
15 this amendatory Act of the 101st General Assembly as a
16 condition of membership.

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

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.