



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5458

Introduced 1/31/2022, by Rep. Michael Halpin

SYNOPSIS AS INTRODUCED:

See Index

Amends the State Employees Article of the Illinois Pension Code. Provides that an investigator for the Department of Revenue or investigator for the Illinois Gaming Board may elect to establish eligible creditable service under the alternative retirement annuity formula for up to 5 years of service as a person employed by a participating municipality to perform police duties under the Illinois Municipal Retirement Fund (IMRF) Article, a county corrections officer, a court services officer under the Cook County Article, or a firefighter under the Downstate Firefighter Article by filing a written election with the Board within 6 months after the effective date of the amendatory Act and paying to the System an amount to be determined by the Board equal to (i) the difference between the amount of employee and employer contributions transferred to the System and the amounts that would have been contributed had such contributions been made at the rates applicable to investigators for the Department of Revenue or investigators for the Illinois Gaming Board, plus (ii) interest thereon at the actuarially assumed rate for each year, compounded annually, from the date of service to the date of payment. Provides that an investigator for either the Department of Revenue or the Illinois Gaming Board may elect to convert service credit under the State Employees Article to eligible creditable service under the alternative annuity provisions by filing a written election and making a specified contribution. Makes other changes. Amends the State Mandates Act to require implementation without reimbursement by the State.

LRB102 25983 RPS 35383 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 Sections 4-108.8, 7-139.8, 9-121.10, 14-110, and
6 14-152.1 as follows:

7 (40 ILCS 5/4-108.8)

8 Sec. 4-108.8. Transfer of creditable service to the State
9 Employees' Retirement System.

10 (a) Any active member of the State Employees' Retirement
11 System who is an arson investigator, investigator for the
12 Department of Revenue, or investigator for the Illinois Gaming
13 Board may apply for transfer of some or all of his or her
14 credits and creditable service accumulated in any
15 firefighters' pension fund under this Article to the State
16 Employees' Retirement System in accordance with Section
17 14-110. The creditable service shall be transferred only upon
18 payment by the firefighters' pension fund to the State
19 Employees' Retirement System of an amount equal to:

20 (1) the amounts accumulated to the credit of the
21 applicant for the service to be transferred on file with
22 the fund on the date of transfer;

23 (2) employer contributions in an amount equal to the

1 amount determined under paragraph (1); and

2 (3) any interest paid by the applicant in order to
3 reinstate service to be transferred.

4 Participation in the firefighters' pension fund with
5 respect to the service to be transferred shall terminate on
6 the date of transfer.

7 (b) Any person applying to transfer service under this
8 Section may reinstate service that was terminated by receipt
9 of a refund, by paying to the firefighters' pension fund the
10 amount of the refund with interest thereon at the actuarially
11 assumed rate of interest, compounded annually, from the date
12 of refund to the date of payment.

13 (Source: P.A. 102-210, eff. 7-30-21.)

14 (40 ILCS 5/7-139.8) (from Ch. 108 1/2, par. 7-139.8)

15 Sec. 7-139.8. Transfer to Article 14 System.

16 (a) Any active member of the State Employees' Retirement
17 System who is a State policeman, an investigator for the
18 Secretary of State, a conservation police officer, an
19 investigator for the Office of the Attorney General, an
20 investigator for the Department of Revenue, an investigator
21 for the Illinois Gaming Board, a Commerce Commission police
22 officer, an investigator for the Office of the State's
23 Attorneys Appellate Prosecutor, or a controlled substance
24 inspector may apply for transfer of some or all of his or her
25 credits and creditable service accumulated in this Fund for

1 service as a sheriff's law enforcement employee, person
2 employed by a participating municipality to perform police
3 duties, or law enforcement officer employed on a full-time
4 basis by a forest preserve district to the State Employees'
5 Retirement System in accordance with Section 14-110. The
6 creditable service shall be transferred only upon payment by
7 this Fund to the State Employees' Retirement System of an
8 amount equal to:

9 (1) the amounts accumulated to the credit of the
10 applicant for the service to be transferred, including
11 interest; and

12 (2) municipality credits based on such service,
13 including interest; and

14 (3) any interest paid by the applicant to reinstate
15 such service.

16 Participation in this Fund as to any credits transferred under
17 this Section shall terminate on the date of transfer.

18 (b) Any person applying to transfer service under this
19 Section may reinstate credits and creditable service
20 terminated upon receipt of a separation benefit, by paying to
21 the Fund the amount of the separation benefit plus interest
22 thereon at the actuarially assumed rate of interest to the
23 date of payment.

24 (Source: P.A. 102-210, eff. 7-30-21.)

25 (40 ILCS 5/9-121.10) (from Ch. 108 1/2, par. 9-121.10)

1 Sec. 9-121.10. Transfer to Article 14.

2 (a) Any active member of the State Employees' Retirement
3 System who is a State policeman, investigator for the Office
4 of the Attorney General, an investigator for the Department of
5 Revenue, investigator for the Illinois Gaming Board,
6 investigator for the Secretary of State, or conservation
7 police officer may apply for transfer of some or all of his
8 creditable service as a member of the County Police
9 Department, a county corrections officer, or a court services
10 officer accumulated under this Article to the State Employees'
11 Retirement System in accordance with Section 14-110. At the
12 time of the 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 transfer
16 for the service to be transferred; and

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

20 (3) any interest paid by the applicant in order to
21 reinstate such service.

22 Participation in this Fund with respect to the credits
23 transferred shall terminate on the date of transfer.

24 (b) Any person applying to transfer service under this
25 Section may reinstate credit for service as a member of the
26 County Police Department that was terminated by receipt of a

1 refund, by paying to the Fund the amount of the refund with
2 interest thereon at the actuarially assumed rate of interest,
3 compounded annually, from the date of refund to the date of
4 payment.

5 (Source: P.A. 95-530, eff. 8-28-07; 96-745, eff. 8-25-09.)

6 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)

7 Sec. 14-110. Alternative retirement annuity.

8 (a) Any member who has withdrawn from service with not
9 less than 20 years of eligible creditable service and has
10 attained age 55, and any member who has withdrawn from service
11 with not less than 25 years of eligible creditable service and
12 has attained age 50, regardless of whether the attainment of
13 either of the specified ages occurs while the member is still
14 in service, shall be entitled to receive at the option of the
15 member, in lieu of the regular or minimum retirement annuity,
16 a retirement annuity computed as follows:

17 (i) for periods of service as a noncovered employee:
18 if retirement occurs on or after January 1, 2001, 3% of
19 final average compensation for each year of creditable
20 service; if retirement occurs before January 1, 2001, 2
21 1/4% of final average compensation for each of the first
22 10 years of creditable service, 2 1/2% for each year above
23 10 years to and including 20 years of creditable service,
24 and 2 3/4% for each year of creditable service above 20
25 years; and

1 (ii) for periods of eligible creditable service as a
2 covered employee: if retirement occurs on or after January
3 1, 2001, 2.5% of final average compensation for each year
4 of creditable service; if retirement occurs before January
5 1, 2001, 1.67% of final average compensation for each of
6 the first 10 years of such service, 1.90% for each of the
7 next 10 years of such service, 2.10% for each year of such
8 service in excess of 20 but not exceeding 30, and 2.30% for
9 each year in excess of 30.

10 Such annuity shall be subject to a maximum of 75% of final
11 average compensation if retirement occurs before January 1,
12 2001 or to a maximum of 80% of final average compensation if
13 retirement occurs on or after January 1, 2001.

14 These rates shall not be applicable to any service
15 performed by a member as a covered employee which is not
16 eligible creditable service. Service as a covered employee
17 which is not eligible creditable service shall be subject to
18 the rates and provisions of Section 14-108.

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

22 (1) State policeman;

23 (2) fire fighter in the fire protection service of a
24 department;

25 (3) air pilot;

26 (4) special agent;

- 1 (5) investigator for the Secretary of State;
- 2 (6) conservation police officer;
- 3 (7) investigator for the Department of Revenue or the
- 4 Illinois Gaming Board;
- 5 (8) security employee of the Department of Human
- 6 Services;
- 7 (9) Central Management Services security police
- 8 officer;
- 9 (10) security employee of the Department of
- 10 Corrections or the Department of Juvenile Justice;
- 11 (11) dangerous drugs investigator;
- 12 (12) investigator for the Illinois State Police;
- 13 (13) investigator for the Office of the Attorney
- 14 General;
- 15 (14) controlled substance inspector;
- 16 (15) investigator for the Office of the State's
- 17 Attorneys Appellate Prosecutor;
- 18 (16) Commerce Commission police officer;
- 19 (17) arson investigator;
- 20 (18) State highway maintenance worker;
- 21 (19) security employee of the Department of Innovation
- 22 and Technology; or
- 23 (20) transferred employee.

24 A person employed in one of the positions specified in
25 this subsection is entitled to eligible creditable service for
26 service credit earned under this Article while undergoing the

1 basic police training course approved by the Illinois Law
2 Enforcement Training Standards Board, if completion of that
3 training is required of persons serving in that position. For
4 the purposes of this Code, service during the required basic
5 police training course shall be deemed performance of the
6 duties of the specified position, even though the person is
7 not a sworn peace officer at the time of the training.

8 A person under paragraph (20) is entitled to eligible
9 creditable service for service credit earned under this
10 Article on and after his or her transfer by Executive Order No.
11 2003-10, Executive Order No. 2004-2, or Executive Order No.
12 2016-1.

13 (c) For the purposes of this Section:

14 (1) The term "State policeman" includes any title or
15 position in the Illinois State Police that is held by an
16 individual employed under the Illinois State Police Act.

17 (2) The term "fire fighter in the fire protection
18 service of a department" includes all officers in such
19 fire protection service including fire chiefs and
20 assistant fire chiefs.

21 (3) The term "air pilot" includes any employee whose
22 official job description on file in the Department of
23 Central Management Services, or in the department by which
24 he is employed if that department is not covered by the
25 Personnel Code, states that his principal duty is the
26 operation of aircraft, and who possesses a pilot's

1 license; however, the change in this definition made by
2 Public Act 83-842 ~~this amendatory Act of 1983~~ shall not
3 operate to exclude any noncovered employee who was an "air
4 pilot" for the purposes of this Section on January 1,
5 1984.

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

19 (5) The term "investigator for the Secretary of State"
20 means any person employed by the Office of the Secretary
21 of State and vested with such investigative duties as
22 render him 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.

25 A person who became employed as an investigator for
26 the Secretary of State between January 1, 1967 and

1 December 31, 1975, and who has served as such until
2 attainment of age 60, either continuously or with a single
3 break in service of not more than 3 years duration, which
4 break terminated before January 1, 1976, shall be entitled
5 to have his retirement annuity calculated in accordance
6 with subsection (a), notwithstanding that he has less than
7 20 years of credit for such service.

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

17 (7) The term "investigator for the Department of
18 Revenue" means any person employed by the Department of
19 Revenue and vested with such investigative duties as
20 render him ineligible for coverage under the Social
21 Security Act by reason of Sections 218(d)(5)(A),
22 218(d)(8)(D) and 218(1)(1) of that Act.

23 The term "investigator for the Illinois Gaming Board"
24 means any person employed as such by the Illinois Gaming
25 Board and vested with such peace officer duties as render
26 the person ineligible for coverage under the Social

1 Security Act by reason of Sections 218(d)(5)(A),
2 218(d)(8)(D), and 218(1)(1) of that Act.

3 (8) The term "security employee of the Department of
4 Human Services" means any person employed by the
5 Department of Human Services who (i) is employed at the
6 Chester Mental Health Center and has daily contact with
7 the residents thereof, (ii) is employed within a security
8 unit at a facility operated by the Department and has
9 daily contact with the residents of the security unit,
10 (iii) is employed at a facility operated by the Department
11 that includes a security unit and is regularly scheduled
12 to work at least 50% of his or her working hours within
13 that security unit, or (iv) is a mental health police
14 officer. "Mental health police officer" means any person
15 employed by the Department of Human Services in a position
16 pertaining to the Department's mental health and
17 developmental disabilities functions who is vested with
18 such law enforcement duties as render the person
19 ineligible for coverage under the Social Security Act by
20 reason of Sections 218(d)(5)(A), 218(d)(8)(D) and
21 218(1)(1) of that Act. "Security unit" means that portion
22 of a facility that is devoted to the care, containment,
23 and treatment of persons committed to the Department of
24 Human Services as sexually violent persons, persons unfit
25 to stand trial, or persons not guilty by reason of
26 insanity. With respect to past employment, references to

1 the Department of Human Services include its predecessor,
2 the Department of Mental Health and Developmental
3 Disabilities.

4 The changes made to this subdivision (c)(8) by Public
5 Act 92-14 apply to persons who retire on or after January
6 1, 2001, notwithstanding Section 1-103.1.

7 (9) "Central Management Services security police
8 officer" means any person employed by the Department of
9 Central Management Services who is vested with such law
10 enforcement duties as render him ineligible for coverage
11 under the Social Security Act by reason of Sections
12 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

13 (10) For a member who first became an employee under
14 this Article before July 1, 2005, the term "security
15 employee of the Department of Corrections or the
16 Department of Juvenile Justice" means any employee of the
17 Department of Corrections or the Department of Juvenile
18 Justice or the former Department of Personnel, and any
19 member or employee of the Prisoner Review Board, who has
20 daily contact with inmates or youth by working within a
21 correctional facility or Juvenile facility operated by the
22 Department of Juvenile Justice or who is a parole officer
23 or an employee who has direct contact with committed
24 persons in the performance of his or her job duties. For a
25 member who first becomes an employee under this Article on
26 or after July 1, 2005, the term means an employee of the

1 Department of Corrections or the Department of Juvenile
2 Justice who is any of the following: (i) officially
3 headquartered at a correctional facility or Juvenile
4 facility operated by the Department of Juvenile Justice,
5 (ii) a parole officer, (iii) a member of the apprehension
6 unit, (iv) a member of the intelligence unit, (v) a member
7 of the sort team, or (vi) an investigator.

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

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

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

1 status.

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

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

16 (16) "Commerce Commission police officer" means any
17 person employed by the Illinois Commerce Commission who is
18 vested with such law enforcement duties as render him
19 ineligible for coverage under the Social Security Act by
20 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and
21 218(1)(1) of that Act.

22 (17) "Arson investigator" means any person who is
23 employed as such by the Office of the State Fire Marshal
24 and is vested with such law enforcement duties as render
25 the person ineligible for coverage under the Social
26 Security Act by reason of Sections 218(d)(5)(A),

1 218(d)(8)(D), and 218(1)(1) of that Act. A person who was
2 employed as an arson investigator on January 1, 1995 and
3 is no longer in service but not yet receiving a retirement
4 annuity may convert his or her creditable service for
5 employment as an arson investigator into eligible
6 creditable service by paying to the System the difference
7 between the employee contributions actually paid for that
8 service and the amounts that would have been contributed
9 if the applicant were contributing at the rate applicable
10 to persons with the same social security status earning
11 eligible creditable service on the date of application.

12 (18) The term "State highway maintenance worker" means
13 a person who is either of the following:

14 (i) A person employed on a full-time basis by the
15 Illinois Department of Transportation in the position
16 of highway maintainer, highway maintenance lead
17 worker, highway maintenance lead/lead worker, heavy
18 construction equipment operator, power shovel
19 operator, or bridge mechanic; and whose principal
20 responsibility is to perform, on the roadway, the
21 actual maintenance necessary to keep the highways that
22 form a part of the State highway system in serviceable
23 condition for vehicular traffic.

24 (ii) A person employed on a full-time basis by the
25 Illinois State Toll Highway Authority in the position
26 of equipment operator/laborer H-4, equipment

1 operator/laborer H-6, welder H-4, welder H-6,
2 mechanical/electrical H-4, mechanical/electrical H-6,
3 water/sewer H-4, water/sewer H-6, sign maker/hanger
4 H-4, sign maker/hanger H-6, roadway lighting H-4,
5 roadway lighting H-6, structural H-4, structural H-6,
6 painter H-4, or painter H-6; and whose principal
7 responsibility is to perform, on the roadway, the
8 actual maintenance necessary to keep the Authority's
9 tollways in serviceable condition for vehicular
10 traffic.

11 (19) The term "security employee of the Department of
12 Innovation and Technology" means a person who was a
13 security employee of the Department of Corrections or the
14 Department of Juvenile Justice, was transferred to the
15 Department of Innovation and Technology pursuant to
16 Executive Order 2016-01, and continues to perform similar
17 job functions under that Department.

18 (20) "Transferred employee" means an employee who was
19 transferred to the Department of Central Management
20 Services by Executive Order No. 2003-10 or Executive Order
21 No. 2004-2 or transferred to the Department of Innovation
22 and Technology by Executive Order No. 2016-1, or both, and
23 was entitled to eligible creditable service for services
24 immediately preceding the transfer.

25 (d) A security employee of the Department of Corrections
26 or the Department of Juvenile Justice, a security employee of

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

7 (i) 25 years of eligible creditable service and age
8 55; or

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

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

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

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

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

24 Persons who have service credit under Article 16 of this
25 Code for service as a security employee of the Department of
26 Corrections or the Department of Juvenile Justice, or the

1 Department of Human Services in a position requiring
2 certification as a teacher may count such service toward
3 establishing their eligibility under the service requirements
4 of this Section; but such service may be used only for
5 establishing such eligibility, and not for the purpose of
6 increasing or calculating any benefit.

7 (e) If a member enters military service while working in a
8 position in which eligible creditable service may be earned,
9 and returns to State service in the same or another such
10 position, and fulfills in all other respects the conditions
11 prescribed in this Article for credit for military service,
12 such military service shall be credited as eligible creditable
13 service for the purposes of the retirement annuity prescribed
14 in this Section.

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

1 specified in item (1) from the date of service to the date of
2 payment.

3 For purposes of calculating retirement annuities under
4 this Section, periods of service rendered after December 31,
5 1968 and before January 1, 1982 as a covered employee in the
6 position of investigator for the Department of Revenue shall
7 be deemed to have been service as a noncovered employee,
8 provided that the employee pays to the System prior to
9 retirement an amount equal to (1) the difference between the
10 employee contributions that would have been required for such
11 service as a noncovered employee, and the amount of employee
12 contributions actually paid, plus (2) if payment is made after
13 January 1, 1990, regular interest on the amount specified in
14 item (1) from the date of service to the date of payment.

15 (g) A State policeman may elect, not later than January 1,
16 1990, to establish eligible creditable service for up to 10
17 years of his service as a policeman under Article 3, by filing
18 a written election with the Board, accompanied by payment of
19 an amount to be determined by the Board, equal to (i) the
20 difference between the amount of employee and employer
21 contributions transferred to the System under Section 3-110.5,
22 and the amounts that would have been contributed had such
23 contributions been made at the rates applicable to State
24 policemen, plus (ii) interest thereon at the effective rate
25 for each year, compounded annually, from the date of service
26 to the date of payment.

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

14 (h) Subject to the limitation in subsection (i), a State
15 policeman or investigator for the Secretary of State may elect
16 to establish eligible creditable service for up to 12 years of
17 his service as a policeman under Article 5, by filing a written
18 election with the Board on or before January 31, 1992, and
19 paying to the System by January 31, 1994 an amount to be
20 determined by the Board, equal to (i) the difference between
21 the amount of employee and employer contributions transferred
22 to the System under Section 5-236, and the amounts that would
23 have been contributed had such contributions been made at the
24 rates applicable to State policemen, plus (ii) interest
25 thereon at the effective rate for each year, compounded
26 annually, from the date of service to the date of payment.

1 Subject to the limitation in subsection (i), a State
2 policeman, conservation police officer, or investigator for
3 the Secretary of State may elect to establish eligible
4 creditable service for up to 10 years of service as a sheriff's
5 law enforcement employee under Article 7, by filing a written
6 election with the Board on or before January 31, 1993, and
7 paying to the System by January 31, 1994 an amount to be
8 determined by the Board, equal to (i) the difference between
9 the amount of employee and employer contributions transferred
10 to the System under Section 7-139.7, and the amounts that
11 would have been contributed had such contributions been made
12 at the rates applicable to State policemen, plus (ii) interest
13 thereon at the effective rate for each year, compounded
14 annually, from the date of service to the date of payment.

15 Subject to the limitation in subsection (i), a State
16 policeman, conservation police officer, or investigator for
17 the Secretary of State may elect to establish eligible
18 creditable service for up to 5 years of service as a police
19 officer under Article 3, a policeman under Article 5, a
20 sheriff's law enforcement employee under Article 7, a member
21 of the county police department under Article 9, or a police
22 officer under Article 15 by filing a written election with the
23 Board and paying to the System an amount to be determined by
24 the Board, equal to (i) the difference between the amount of
25 employee and employer contributions transferred to the System
26 under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4

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), an
7 investigator for the Office of the Attorney General, or an
8 investigator for the Department of Revenue, may elect to
9 establish eligible creditable service for up to 5 years of
10 service as a police officer under Article 3, a policeman under
11 Article 5, a sheriff's law enforcement employee under Article
12 7, or a member of the county police department under Article 9
13 by filing a written election with the Board within 6 months
14 after August 25, 2009 (the effective date of Public Act
15 96-745) and paying to the System an amount to be determined by
16 the Board, equal to (i) the difference between the amount of
17 employee and employer contributions transferred to the System
18 under Section 3-110.6, 5-236, 7-139.8, or 9-121.10 and the
19 amounts that would have been contributed had such
20 contributions been made at the rates applicable to State
21 policemen, plus (ii) interest thereon at the actuarially
22 assumed rate for each year, compounded annually, from the date
23 of service to the date of payment.

24 Subject to the limitation in subsection (i), a State
25 policeman, conservation police officer, investigator for the
26 Office of the Attorney General, an investigator for the

1 Department of Revenue, or investigator for the Secretary of
2 State may elect to establish eligible creditable service for
3 up to 5 years of service as a person employed by a
4 participating municipality to perform police duties, or law
5 enforcement officer employed on a full-time basis by a forest
6 preserve district under Article 7, a county corrections
7 officer, or a court services officer under Article 9, by
8 filing a written election with the Board within 6 months after
9 August 25, 2009 (the effective date of Public Act 96-745) and
10 paying to the System an amount to be determined by the Board,
11 equal to (i) the difference between the amount of employee and
12 employer contributions transferred to the System under
13 Sections 7-139.8 and 9-121.10 and the amounts that would have
14 been contributed had such contributions been made at the rates
15 applicable to State policemen, plus (ii) interest thereon at
16 the actuarially assumed rate for each year, compounded
17 annually, from the date of service to the date of payment.

18 Subject to the limitation in subsection (i), a State
19 policeman, arson investigator, or Commerce Commission police
20 officer may elect to establish eligible creditable service for
21 up to 5 years of service as a person employed by a
22 participating municipality to perform police duties under
23 Article 7, a county corrections officer, a court services
24 officer under Article 9, or a firefighter under Article 4 by
25 filing a written election with the Board within 6 months after
26 July 30, 2021 (the effective date of Public Act 102-210) ~~this~~

1 ~~amendatory Act of the 102nd General Assembly~~ and paying to the
2 System an amount to be determined by the Board equal to (i) the
3 difference between the amount of employee and employer
4 contributions transferred to the System under Sections
5 4-108.8, 7-139.8, and 9-121.10 and the amounts that would have
6 been contributed had such contributions been made at the rates
7 applicable to State policemen, plus (ii) interest thereon at
8 the actuarially assumed rate for each year, compounded
9 annually, from the date of service to the date of payment.

10 Subject to the limitation in subsection (i), a
11 conservation police officer may elect to establish eligible
12 creditable service for up to 5 years of service as a person
13 employed by a participating municipality to perform police
14 duties under Article 7, a county corrections officer, or a
15 court services officer under Article 9 by filing a written
16 election with the Board within 6 months after July 30, 2021
17 (the effective date of Public Act 102-210) ~~this amendatory Act~~
18 ~~of the 102nd General Assembly~~ and paying to the System an
19 amount to be determined by the Board equal to (i) the
20 difference between the amount of employee and employer
21 contributions transferred to the System under Sections 7-139.8
22 and 9-121.10 and the amounts that would have been contributed
23 had such contributions been made at the rates applicable to
24 State policemen, plus (ii) interest thereon at the actuarially
25 assumed rate for each year, compounded annually, from the date
26 of service to the date of payment.

1 Subject to the limitation in subsection (i), an
2 investigator for the Department of Revenue or investigator for
3 the Illinois Gaming Board may elect to establish eligible
4 creditable service for up to 5 years of service as a person
5 employed by a participating municipality to perform police
6 duties under Article 7, a county corrections officer, a court
7 services officer under Article 9, or a firefighter under
8 Article 4 by filing a written election with the Board within 6
9 months after the effective date of this amendatory Act of the
10 102nd General Assembly and paying to the System an amount to be
11 determined by the Board equal to (i) the difference between
12 the amount of employee and employer contributions transferred
13 to the System under Sections 4-108.8, 7-139.8, and 9-121.10
14 and the amounts that would have been contributed had such
15 contributions been made at the rates applicable to
16 investigators for the Department of Revenue or investigators
17 for the Illinois Gaming Board, plus (ii) interest thereon at
18 the actuarially assumed rate for each year, compounded
19 annually, from the date of service to the date of payment.

20 Notwithstanding the limitation in subsection (i), a State
21 policeman or conservation police officer may elect to convert
22 service credit earned under this Article to eligible
23 creditable service, as defined by this Section, by filing a
24 written election with the board within 6 months after July 30,
25 2021 (the effective date of Public Act 102-210) ~~this~~
26 ~~amendatory Act of the 102nd General Assembly~~ and paying to the

1 System an amount to be determined by the Board equal to (i) the
2 difference between the amount of employee contributions
3 originally paid for that service and the amounts that would
4 have been contributed had such contributions been made at the
5 rates applicable to State policemen, plus (ii) the difference
6 between the employer's normal cost of the credit prior to the
7 conversion authorized by Public Act 102-210 ~~this amendatory~~
8 ~~Act of the 102nd General Assembly~~ and the employer's normal
9 cost of the credit converted in accordance with Public Act
10 102-210 ~~this amendatory Act of the 102nd General Assembly,~~
11 plus (iii) interest thereon at the actuarially assumed rate
12 for each year, compounded annually, from the date of service
13 to the date of payment.

14 Notwithstanding the limitation in subsection (i), an
15 investigator for either the Department of Revenue or the
16 Illinois Gaming Board may elect to convert service credit
17 earned under this Article to eligible creditable service, as
18 defined by this Section, by filing a written election with the
19 Board within 6 months after the effective date of this
20 amendatory Act of the 102nd General Assembly and paying to the
21 System an amount to be determined by the Board equal to (i) the
22 difference between the amount of employee contributions
23 originally paid for that service and the amounts that would
24 have been contributed had such contributions been made at the
25 rates applicable to an investigator for the Department of
26 Revenue or the Illinois Gaming Board, plus (ii) the difference

1 between the employer's normal cost of the credit prior to the
2 conversion authorized by this amendatory Act of the 102nd
3 General Assembly and the employer's normal cost of the credit
4 converted in accordance with this amendatory Act of the 102nd
5 General Assembly, plus (iii) interest thereon at the
6 actuarially assumed rate for each year, compounded annually,
7 from the date of service to the date of payment.

8 (i) The total amount of eligible creditable service
9 established by any person under subsections (g), (h), (j),
10 (k), (l), (l-5), and (o) of this Section shall not exceed 12
11 years.

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

1 (k) Subject to the limitation in subsection (i) of this
2 Section, an alternative formula employee may elect to
3 establish eligible creditable service for periods spent as a
4 full-time law enforcement officer or full-time corrections
5 officer employed by the federal government or by a state or
6 local government located outside of Illinois, for which credit
7 is not held in any other public employee pension fund or
8 retirement system. To obtain this credit, the applicant must
9 file a written application with the Board by March 31, 1998,
10 accompanied by evidence of eligibility acceptable to the Board
11 and payment of an amount to be determined by the Board, equal
12 to (1) employee contributions for the credit being
13 established, based upon the applicant's salary on the first
14 day as an alternative formula employee after the employment
15 for which credit is being established and the rates then
16 applicable to alternative formula employees, plus (2) an
17 amount determined by the Board to be the employer's normal
18 cost of the benefits accrued for the credit being established,
19 plus (3) regular interest on the amounts in items (1) and (2)
20 from the first day as an alternative formula employee after
21 the employment for which credit is being established to the
22 date of payment.

23 (1) Subject to the limitation in subsection (i), a
24 security employee of the Department of Corrections may elect,
25 not later than July 1, 1998, to establish eligible creditable
26 service for up to 10 years of his or her service as a policeman

1 under Article 3, by filing a written election with the Board,
2 accompanied by payment of an amount to be determined by the
3 Board, equal to (i) the difference between the amount of
4 employee and employer contributions transferred to the System
5 under Section 3-110.5, and the amounts that would have been
6 contributed had such contributions been made at the rates
7 applicable to security employees of the Department of
8 Corrections, plus (ii) interest thereon at the effective rate
9 for each year, compounded annually, from the date of service
10 to the date of payment.

11 (1-5) Subject to the limitation in subsection (i) of this
12 Section, a State policeman may elect to establish eligible
13 creditable service for up to 5 years of service as a full-time
14 law enforcement officer employed by the federal government or
15 by a state or local government located outside of Illinois for
16 which credit is not held in any other public employee pension
17 fund or retirement system. To obtain this credit, the
18 applicant must file a written application with the Board no
19 later than 3 years after January 1, 2020 (the effective date of
20 Public Act 101-610) ~~this amendatory Act of the 101st General~~
21 ~~Assembly~~, accompanied by evidence of eligibility acceptable to
22 the Board and payment of an amount to be determined by the
23 Board, equal to (1) employee contributions for the credit
24 being established, based upon the applicant's salary on the
25 first day as an alternative formula employee after the
26 employment for which credit is being established and the rates

1 then applicable to alternative formula employees, plus (2) an
2 amount determined by the Board to be the employer's normal
3 cost of the benefits accrued for the credit being established,
4 plus (3) regular interest on the amounts in items (1) and (2)
5 from the first day as an alternative formula employee after
6 the employment for which credit is being established to the
7 date of payment.

8 (m) The amendatory changes to this Section made by Public
9 Act 94-696 ~~this amendatory Act of the 94th General Assembly~~
10 apply only to: (1) security employees of the Department of
11 Juvenile Justice employed by the Department of Corrections
12 before June 1, 2006 (the effective date of Public Act 94-696)
13 ~~this amendatory Act of the 94th General Assembly~~ and
14 transferred to the Department of Juvenile Justice by Public
15 Act 94-696 ~~this amendatory Act of the 94th General Assembly~~;
16 and (2) persons employed by the Department of Juvenile Justice
17 on or after June 1, 2006 (the effective date of Public Act
18 94-696) ~~this amendatory Act of the 94th General Assembly~~ who
19 are required by subsection (b) of Section 3-2.5-15 of the
20 Unified Code of Corrections to have any bachelor's or advanced
21 degree from an accredited college or university or, in the
22 case of persons who provide vocational training, who are
23 required to have adequate knowledge in the skill for which
24 they are providing the vocational training.

25 (n) A person employed in a position under subsection (b)
26 of this Section who has purchased service credit under

1 subsection (j) of Section 14-104 or subsection (b) of Section
2 14-105 in any other capacity under this Article may convert up
3 to 5 years of that service credit into service credit covered
4 under this Section by paying to the Fund an amount equal to (1)
5 the additional employee contribution required under Section
6 14-133, plus (2) the additional employer contribution required
7 under Section 14-131, plus (3) interest on items (1) and (2) at
8 the actuarially assumed rate from the date of the service to
9 the date of payment.

10 (o) Subject to the limitation in subsection (i), a
11 conservation police officer, investigator for the Secretary of
12 State, Commerce Commission police officer, investigator for
13 the Department of Revenue or the Illinois Gaming Board, or
14 arson investigator subject to subsection (g) of Section 1-160
15 may elect to convert up to 8 years of service credit
16 established before January 1, 2020 (the effective date of
17 Public Act 101-610) ~~this amendatory Act of the 101st General~~
18 ~~Assembly~~ as a conservation police officer, investigator for
19 the Secretary of State, Commerce Commission police officer,
20 investigator for the Department of Revenue or the Illinois
21 Gaming Board, or arson investigator under this Article into
22 eligible creditable service by filing a written election with
23 the Board no later than one year after January 1, 2020 (the
24 effective date of Public Act 101-610) ~~this amendatory Act of~~
25 ~~the 101st General Assembly~~, accompanied by payment of an
26 amount to be determined by the Board equal to (i) the

1 difference between the amount of the employee contributions
2 actually paid for that service and the amount of the employee
3 contributions that would have been paid had the employee
4 contributions been made as a noncovered employee serving in a
5 position in which eligible creditable service, as defined in
6 this Section, may be earned, plus (ii) interest thereon at the
7 effective rate for each year, compounded annually, from the
8 date of service to the date of payment.

9 (Source: P.A. 101-610, eff. 1-1-20; 102-210, eff. 7-30-21;
10 102-538, eff. 8-20-21; revised 10-12-21.)

11 (40 ILCS 5/14-152.1)

12 Sec. 14-152.1. Application and expiration of new benefit
13 increases.

14 (a) As used in this Section, "new benefit increase" means
15 an increase in the amount of any benefit provided under this
16 Article, or an expansion of the conditions of eligibility for
17 any benefit under this Article, that results from an amendment
18 to this Code that takes effect after June 1, 2005 (the
19 effective date of Public Act 94-4). "New benefit increase",
20 however, does not include any benefit increase resulting from
21 the changes made to Article 1 or this Article by Public Act
22 96-37, Public Act 100-23, Public Act 100-587, Public Act
23 100-611, Public Act 101-10, Public Act 101-610, Public Act
24 102-210, or this amendatory Act of the 102nd General Assembly
25 ~~or this amendatory Act of the 102nd General Assembly.~~

1 (b) Notwithstanding any other provision of this Code or
2 any subsequent amendment to this Code, every new benefit
3 increase is subject to this Section and shall be deemed to be
4 granted only in conformance with and contingent upon
5 compliance with the provisions of this Section.

6 (c) The Public Act enacting a new benefit increase must
7 identify and provide for payment to the System of additional
8 funding at least sufficient to fund the resulting annual
9 increase in cost to the System as it accrues.

10 Every new benefit increase is contingent upon the General
11 Assembly providing the additional funding required under this
12 subsection. The Commission on Government Forecasting and
13 Accountability shall analyze whether adequate additional
14 funding has been provided for the new benefit increase and
15 shall report its analysis to the Public Pension Division of
16 the Department of Insurance. A new benefit increase created by
17 a Public Act that does not include the additional funding
18 required under this subsection is null and void. If the Public
19 Pension Division determines that the additional funding
20 provided for a new benefit increase under this subsection is
21 or has become inadequate, it may so certify to the Governor and
22 the State Comptroller and, in the absence of corrective action
23 by the General Assembly, the new benefit increase shall expire
24 at the end of the fiscal year in which the certification is
25 made.

26 (d) Every new benefit increase shall expire 5 years after

1 its effective date or on such earlier date as may be specified
2 in the language enacting the new benefit increase or provided
3 under subsection (c). This does not prevent the General
4 Assembly from extending or re-creating a new benefit increase
5 by law.

6 (e) Except as otherwise provided in the language creating
7 the new benefit increase, a new benefit increase that expires
8 under this Section continues to apply to persons who applied
9 and qualified for the affected benefit while the new benefit
10 increase was in effect and to the affected beneficiaries and
11 alternate payees of such persons, but does not apply to any
12 other person, including, without limitation, a person who
13 continues in service after the expiration date and did not
14 apply and qualify for the affected benefit while the new
15 benefit increase was in effect.

16 (Source: P.A. 101-10, eff. 6-5-19; 101-81, eff. 7-12-19;
17 101-610, eff. 1-1-20; 102-210, eff. 7-30-21.)

18 Section 90. The State Mandates Act is amended by adding
19 Section 8.46 as follows:

20 (30 ILCS 805/8.46 new)

21 Sec. 8.46. Exempt mandate. Notwithstanding Sections 6 and
22 8 of this Act, no reimbursement by the State is required for
23 the implementation of any mandate created by this amendatory
24 Act of the 102nd General Assembly.

1 INDEX

2 Statutes amended in order of appearance

3 40 ILCS 5/4-108.8

4 40 ILCS 5/7-139.8 from Ch. 108 1/2, par. 7-139.8

5 40 ILCS 5/9-121.10 from Ch. 108 1/2, par. 9-121.10

6 40 ILCS 5/14-110 from Ch. 108 1/2, par. 14-110

7 40 ILCS 5/14-152.1

8 30 ILCS 805/8.46 new