



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5486

Introduced 1/31/2022, by Rep. Kelly M. Cassidy

SYNOPSIS AS INTRODUCED:

40 ILCS 5/1-160

40 ILCS 5/14-110

40 ILCS 5/14-152.1

from Ch. 108 1/2, par. 14-110

Amends the General Provisions and State Employees Articles of the Illinois Pension Code. Provides that an employee of the Department of Children and Family Services who conducts home visits may establish eligible creditable service under the alternative annuity provisions of the State Employees Article. Provides that an employee of the Department of Children and Family Services who conducts home visits may elect to convert service credit earned under the State Employees Article as an employee of the Department of Children and Family Services who conducts home visits to eligible creditable service under the alternative annuity provisions by filing a written election and making a specified contribution. Provides that any benefit increase that results from the amendatory Act is excluded from the definition of "new benefit increase". Effective January 1, 2023.

LRB102 25312 RPS 34586 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 1-160, 14-110, and 14-152.1 as follows:

6 (40 ILCS 5/1-160)

7 Sec. 1-160. Provisions applicable to new hires.

8 (a) The provisions of this Section apply to a person who,
9 on or after January 1, 2011, first becomes a member or a
10 participant under any reciprocal retirement system or pension
11 fund established under this Code, other than a retirement
12 system or pension fund established under Article 2, 3, 4, 5, 6,
13 7, 15, or 18 of this Code, notwithstanding any other provision
14 of this Code to the contrary, but do not apply to any
15 self-managed plan established under this Code or to any
16 participant of the retirement plan established under Section
17 22-101; except that this Section applies to a person who
18 elected to establish alternative credits by electing in
19 writing after January 1, 2011, but before August 8, 2011,
20 under Section 7-145.1 of this Code. Notwithstanding anything
21 to the contrary in this Section, for purposes of this Section,
22 a person who is a Tier 1 regular employee as defined in Section
23 7-109.4 of this Code or who participated in a retirement

1 system under Article 15 prior to January 1, 2011 shall be
2 deemed a person who first became a member or participant prior
3 to January 1, 2011 under any retirement system or pension fund
4 subject to this Section. The changes made to this Section by
5 Public Act 98-596 are a clarification of existing law and are
6 intended to be retroactive to January 1, 2011 (the effective
7 date of Public Act 96-889), notwithstanding the provisions of
8 Section 1-103.1 of this Code.

9 This Section does not apply to a person who first becomes a
10 noncovered employee under Article 14 on or after the
11 implementation date of the plan created under Section 1-161
12 for that Article, unless that person elects under subsection
13 (b) of Section 1-161 to instead receive the benefits provided
14 under this Section and the applicable provisions of that
15 Article.

16 This Section does not apply to a person who first becomes a
17 member or participant under Article 16 on or after the
18 implementation date of the plan created under Section 1-161
19 for that Article, unless that person elects under subsection
20 (b) of Section 1-161 to instead receive the benefits provided
21 under this Section and the applicable provisions of that
22 Article.

23 This Section does not apply to a person who elects under
24 subsection (c-5) of Section 1-161 to receive the benefits
25 under Section 1-161.

26 This Section does not apply to a person who first becomes a

1 member or participant of an affected pension fund on or after 6
2 months after the resolution or ordinance date, as defined in
3 Section 1-162, unless that person elects under subsection (c)
4 of Section 1-162 to receive the benefits provided under this
5 Section and the applicable provisions of the Article under
6 which he or she is a member or participant.

7 (b) "Final average salary" means, except as otherwise
8 provided in this subsection, the average monthly (or annual)
9 salary obtained by dividing the total salary or earnings
10 calculated under the Article applicable to the member or
11 participant during the 96 consecutive months (or 8 consecutive
12 years) of service within the last 120 months (or 10 years) of
13 service in which the total salary or earnings calculated under
14 the applicable Article was the highest by the number of months
15 (or years) of service in that period. For the purposes of a
16 person who first becomes a member or participant of any
17 retirement system or pension fund to which this Section
18 applies on or after January 1, 2011, in this Code, "final
19 average salary" shall be substituted for the following:

20 (1) (Blank).

21 (2) In Articles 8, 9, 10, 11, and 12, "highest average
22 annual salary for any 4 consecutive years within the last
23 10 years of service immediately preceding the date of
24 withdrawal".

25 (3) In Article 13, "average final salary".

26 (4) In Article 14, "final average compensation".

1 (5) In Article 17, "average salary".

2 (6) In Section 22-207, "wages or salary received by
3 him at the date of retirement or discharge".

4 A member of the Teachers' Retirement System of the State
5 of Illinois who retires on or after June 1, 2021 and for whom
6 the 2020-2021 school year is used in the calculation of the
7 member's final average salary shall use the higher of the
8 following for the purpose of determining the member's final
9 average salary:

10 (A) the amount otherwise calculated under the first
11 paragraph of this subsection; or

12 (B) an amount calculated by the Teachers' Retirement
13 System of the State of Illinois using the average of the
14 monthly (or annual) salary obtained by dividing the total
15 salary or earnings calculated under Article 16 applicable
16 to the member or participant during the 96 months (or 8
17 years) of service within the last 120 months (or 10 years)
18 of service in which the total salary or earnings
19 calculated under the Article was the highest by the number
20 of months (or years) of service in that period.

21 (b-5) Beginning on January 1, 2011, for all purposes under
22 this Code (including without limitation the calculation of
23 benefits and employee contributions), the annual earnings,
24 salary, or wages (based on the plan year) of a member or
25 participant to whom this Section applies shall not exceed
26 \$106,800; however, that amount shall annually thereafter be

1 increased by the lesser of (i) 3% of that amount, including all
2 previous adjustments, or (ii) one-half the annual unadjusted
3 percentage increase (but not less than zero) in the consumer
4 price index-u for the 12 months ending with the September
5 preceding each November 1, including all previous adjustments.

6 For the purposes of this Section, "consumer price index-u"
7 means the index published by the Bureau of Labor Statistics of
8 the United States Department of Labor that measures the
9 average change in prices of goods and services purchased by
10 all urban consumers, United States city average, all items,
11 1982-84 = 100. The new amount resulting from each annual
12 adjustment shall be determined by the Public Pension Division
13 of the Department of Insurance and made available to the
14 boards of the retirement systems and pension funds by November
15 1 of each year.

16 (c) A member or participant is entitled to a retirement
17 annuity upon written application if he or she has attained age
18 67 (age 65, with respect to service under Article 12 that is
19 subject to this Section, for a member or participant under
20 Article 12 who first becomes a member or participant under
21 Article 12 on or after January 1, 2022 or who makes the
22 election under item (i) of subsection (d-15) of this Section)
23 and has at least 10 years of service credit and is otherwise
24 eligible under the requirements of the applicable Article.

25 A member or participant who has attained age 62 (age 60,
26 with respect to service under Article 12 that is subject to

1 this Section, for a member or participant under Article 12 who
2 first becomes a member or participant under Article 12 on or
3 after January 1, 2022 or who makes the election under item (i)
4 of subsection (d-15) of this Section) and has at least 10 years
5 of service credit and is otherwise eligible under the
6 requirements of the applicable Article may elect to receive
7 the lower retirement annuity provided in subsection (d) of
8 this Section.

9 (c-5) A person who first becomes a member or a participant
10 subject to this Section on or after July 6, 2017 (the effective
11 date of Public Act 100-23), notwithstanding any other
12 provision of this Code to the contrary, is entitled to a
13 retirement annuity under Article 8 or Article 11 upon written
14 application if he or she has attained age 65 and has at least
15 10 years of service credit and is otherwise eligible under the
16 requirements of Article 8 or Article 11 of this Code,
17 whichever is applicable.

18 (d) The retirement annuity of a member or participant who
19 is retiring after attaining age 62 (age 60, with respect to
20 service under Article 12 that is subject to this Section, for a
21 member or participant under Article 12 who first becomes a
22 member or participant under Article 12 on or after January 1,
23 2022 or who makes the election under item (i) of subsection
24 (d-15) of this Section) with at least 10 years of service
25 credit shall be reduced by one-half of 1% for each full month
26 that the member's age is under age 67 (age 65, with respect to

1 service under Article 12 that is subject to this Section, for a
2 member or participant under Article 12 who first becomes a
3 member or participant under Article 12 on or after January 1,
4 2022 or who makes the election under item (i) of subsection
5 (d-15) of this Section).

6 (d-5) The retirement annuity payable under Article 8 or
7 Article 11 to an eligible person subject to subsection (c-5)
8 of this Section who is retiring at age 60 with at least 10
9 years of service credit shall be reduced by one-half of 1% for
10 each full month that the member's age is under age 65.

11 (d-10) Each person who first became a member or
12 participant under Article 8 or Article 11 of this Code on or
13 after January 1, 2011 and prior to July 6, 2017 (the effective
14 date of Public Act 100-23) ~~this amendatory Act of the 100th~~
15 ~~General Assembly~~ shall make an irrevocable election either:

16 (i) to be eligible for the reduced retirement age
17 provided in subsections (c-5) and (d-5) of this Section,
18 the eligibility for which is conditioned upon the member
19 or participant agreeing to the increases in employee
20 contributions for age and service annuities provided in
21 subsection (a-5) of Section 8-174 of this Code (for
22 service under Article 8) or subsection (a-5) of Section
23 11-170 of this Code (for service under Article 11); or

24 (ii) to not agree to item (i) of this subsection
25 (d-10), in which case the member or participant shall
26 continue to be subject to the retirement age provisions in

1 subsections (c) and (d) of this Section and the employee
2 contributions for age and service annuity as provided in
3 subsection (a) of Section 8-174 of this Code (for service
4 under Article 8) or subsection (a) of Section 11-170 of
5 this Code (for service under Article 11).

6 The election provided for in this subsection shall be made
7 between October 1, 2017 and November 15, 2017. A person
8 subject to this subsection who makes the required election
9 shall remain bound by that election. A person subject to this
10 subsection who fails for any reason to make the required
11 election within the time specified in this subsection shall be
12 deemed to have made the election under item (ii).

13 (d-15) Each person who first becomes a member or
14 participant under Article 12 on or after January 1, 2011 and
15 prior to January 1, 2022 shall make an irrevocable election
16 either:

17 (i) to be eligible for the reduced retirement age
18 specified in subsections (c) and (d) of this Section, the
19 eligibility for which is conditioned upon the member or
20 participant agreeing to the increase in employee
21 contributions for service annuities specified in
22 subsection (b) of Section 12-150; or

23 (ii) to not agree to item (i) of this subsection
24 (d-15), in which case the member or participant shall not
25 be eligible for the reduced retirement age specified in
26 subsections (c) and (d) of this Section and shall not be

1 subject to the increase in employee contributions for
2 service annuities specified in subsection (b) of Section
3 12-150.

4 The election provided for in this subsection shall be made
5 between January 1, 2022 and April 1, 2022. A person subject to
6 this subsection who makes the required election shall remain
7 bound by that election. A person subject to this subsection
8 who fails for any reason to make the required election within
9 the time specified in this subsection shall be deemed to have
10 made the election under item (ii).

11 (e) Any retirement annuity or supplemental annuity shall
12 be subject to annual increases on the January 1 occurring
13 either on or after the attainment of age 67 (age 65, with
14 respect to service under Article 12 that is subject to this
15 Section, for a member or participant under Article 12 who
16 first becomes a member or participant under Article 12 on or
17 after January 1, 2022 or who makes the election under item (i)
18 of subsection (d-15); and beginning on July 6, 2017 (the
19 effective date of Public Act 100-23) ~~this amendatory Act of~~
20 ~~the 100th General Assembly~~, age 65 with respect to service
21 under Article 8 or Article 11 for eligible persons who: (i) are
22 subject to subsection (c-5) of this Section; or (ii) made the
23 election under item (i) of subsection (d-10) of this Section)
24 or the first anniversary of the annuity start date, whichever
25 is later. Each annual increase shall be calculated at 3% or
26 one-half the annual unadjusted percentage increase (but not

1 less than zero) in the consumer price index-u for the 12 months
2 ending with the September preceding each November 1, whichever
3 is less, of the originally granted retirement annuity. If the
4 annual unadjusted percentage change in the consumer price
5 index-u for the 12 months ending with the September preceding
6 each November 1 is zero or there is a decrease, then the
7 annuity shall not be increased.

8 For the purposes of Section 1-103.1 of this Code, the
9 changes made to this Section by Public Act 102-263 ~~this~~
10 ~~amendatory Act of the 102nd General Assembly~~ are applicable
11 without regard to whether the employee was in active service
12 on or after August 6, 2021 (the effective date of Public Act
13 102-263) ~~this amendatory Act of the 102nd General Assembly~~.

14 For the purposes of Section 1-103.1 of this Code, the
15 changes made to this Section by Public Act 100-23 ~~this~~
16 ~~amendatory Act of the 100th General Assembly~~ are applicable
17 without regard to whether the employee was in active service
18 on or after July 6, 2017 (the effective date of Public Act
19 100-23) ~~this amendatory Act of the 100th General Assembly~~.

20 (f) The initial survivor's or widow's annuity of an
21 otherwise eligible survivor or widow of a retired member or
22 participant who first became a member or participant on or
23 after January 1, 2011 shall be in the amount of 66 2/3% of the
24 retired member's or participant's retirement annuity at the
25 date of death. In the case of the death of a member or
26 participant who has not retired and who first became a member

1 or participant on or after January 1, 2011, eligibility for a
2 survivor's or widow's annuity shall be determined by the
3 applicable Article of this Code. The initial benefit shall be
4 $66 \frac{2}{3}\%$ of the earned annuity without a reduction due to age. A
5 child's annuity of an otherwise eligible child shall be in the
6 amount prescribed under each Article if applicable. Any
7 survivor's or widow's annuity shall be increased (1) on each
8 January 1 occurring on or after the commencement of the
9 annuity if the deceased member died while receiving a
10 retirement annuity or (2) in other cases, on each January 1
11 occurring after the first anniversary of the commencement of
12 the annuity. Each annual increase shall be calculated at 3% or
13 one-half the annual unadjusted percentage increase (but not
14 less than zero) in the consumer price index-u for the 12 months
15 ending with the September preceding each November 1, whichever
16 is less, of the originally granted survivor's annuity. If the
17 annual unadjusted percentage change in the consumer price
18 index-u for the 12 months ending with the September preceding
19 each November 1 is zero or there is a decrease, then the
20 annuity shall not be increased.

21 (g) The benefits in Section 14-110 apply only if the
22 person is a State policeman, a fire fighter in the fire
23 protection service of a department, a conservation police
24 officer, an investigator for the Secretary of State, an arson
25 investigator, a Commerce Commission police officer,
26 investigator for the Department of Revenue or the Illinois

1 Gaming Board, a security employee of the Department of
2 Corrections or the Department of Juvenile Justice, ~~or~~ a
3 security employee of the Department of Innovation and
4 Technology, or an employee of the Department of Children and
5 Family Services who conducts home visits, as those terms are
6 defined in subsection (b) and subsection (c) of Section
7 14-110. A person who meets the requirements of this Section is
8 entitled to an annuity calculated under the provisions of
9 Section 14-110, in lieu of the regular or minimum retirement
10 annuity, only if the person has withdrawn from service with
11 not less than 20 years of eligible creditable service and has
12 attained age 60, regardless of whether the attainment of age
13 60 occurs while the person is still in service.

14 (h) If a person who first becomes a member or a participant
15 of a retirement system or pension fund subject to this Section
16 on or after January 1, 2011 is receiving a retirement annuity
17 or retirement pension under that system or fund and becomes a
18 member or participant under any other system or fund created
19 by this Code and is employed on a full-time basis, except for
20 those members or participants exempted from the provisions of
21 this Section under subsection (a) of this Section, then the
22 person's retirement annuity or retirement pension under that
23 system or fund shall be suspended during that employment. Upon
24 termination of that employment, the person's retirement
25 annuity or retirement pension payments shall resume and be
26 recalculated if recalculation is provided for under the

1 applicable Article of this Code.

2 If a person who first becomes a member of a retirement
3 system or pension fund subject to this Section on or after
4 January 1, 2012 and is receiving a retirement annuity or
5 retirement pension under that system or fund and accepts on a
6 contractual basis a position to provide services to a
7 governmental entity from which he or she has retired, then
8 that person's annuity or retirement pension earned as an
9 active employee of the employer shall be suspended during that
10 contractual service. A person receiving an annuity or
11 retirement pension under this Code shall notify the pension
12 fund or retirement system from which he or she is receiving an
13 annuity or retirement pension, as well as his or her
14 contractual employer, of his or her retirement status before
15 accepting contractual employment. A person who fails to submit
16 such notification shall be guilty of a Class A misdemeanor and
17 required to pay a fine of \$1,000. Upon termination of that
18 contractual employment, the person's retirement annuity or
19 retirement pension payments shall resume and, if appropriate,
20 be recalculated under the applicable provisions of this Code.

21 (i) (Blank).

22 (j) In the case of a conflict between the provisions of
23 this Section and any other provision of this Code, the
24 provisions of this Section shall control.

25 (Source: P.A. 101-610, eff. 1-1-20; 102-16, eff. 6-17-21;
26 102-210, eff. 1-1-22; 102-263, eff. 8-6-21; revised 9-28-21.)

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

2 Sec. 14-110. Alternative retirement annuity.

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

12 (i) for periods of service as a noncovered employee:
13 if retirement occurs on or after January 1, 2001, 3% of
14 final average compensation for each year of creditable
15 service; if retirement occurs before January 1, 2001, 2
16 1/4% of final average compensation for each of the first
17 10 years of creditable service, 2 1/2% for each year above
18 10 years to and including 20 years of creditable service,
19 and 2 3/4% for each year of creditable service above 20
20 years; and

21 (ii) for periods of eligible creditable service as a
22 covered employee: if retirement occurs on or after January
23 1, 2001, 2.5% of final average compensation for each year
24 of creditable service; if retirement occurs before January
25 1, 2001, 1.67% of final average compensation for each of

1 the first 10 years of such service, 1.90% for each of the
2 next 10 years of such service, 2.10% for each year of such
3 service in excess of 20 but not exceeding 30, and 2.30% for
4 each year in excess of 30.

5 Such annuity shall be subject to a maximum of 75% of final
6 average compensation if retirement occurs before January 1,
7 2001 or to a maximum of 80% of final average compensation if
8 retirement occurs on or after January 1, 2001.

9 These rates shall not be applicable to any service
10 performed by a member as a covered employee which is not
11 eligible creditable service. Service as a covered employee
12 which is not eligible creditable service shall be subject to
13 the rates and provisions of Section 14-108.

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

17 (1) State policeman;

18 (2) fire fighter in the fire protection service of a
19 department;

20 (3) air pilot;

21 (4) special agent;

22 (5) investigator for the Secretary of State;

23 (6) conservation police officer;

24 (7) investigator for the Department of Revenue or the
25 Illinois Gaming Board;

26 (8) security employee of the Department of Human

1 Services;

2 (9) Central Management Services security police
3 officer;

4 (10) security employee of the Department of
5 Corrections or the Department of Juvenile Justice;

6 (11) dangerous drugs investigator;

7 (12) investigator for the Illinois State Police;

8 (13) investigator for the Office of the Attorney
9 General;

10 (14) controlled substance inspector;

11 (15) investigator for the Office of the State's
12 Attorneys Appellate Prosecutor;

13 (16) Commerce Commission police officer;

14 (17) arson investigator;

15 (18) State highway maintenance worker;

16 (19) security employee of the Department of Innovation
17 and Technology; ~~or~~

18 (20) transferred employee; or ~~-~~

19 (21) employee of the Department of Children and Family
20 Services who conducts home visits.

21 A person employed in one of the positions specified in
22 this subsection is entitled to eligible creditable service for
23 service credit earned under this Article while undergoing the
24 basic police training course approved by the Illinois Law
25 Enforcement Training Standards Board, if completion of that
26 training is required of persons serving in that position. For

1 the purposes of this Code, service during the required basic
2 police training course shall be deemed performance of the
3 duties of the specified position, even though the person is
4 not a sworn peace officer at the time of the training.

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

10 (c) For the purposes of this Section:

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

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

18 (3) The term "air pilot" includes any employee whose
19 official job description on file in the Department of
20 Central Management Services, or in the department by which
21 he is employed if that department is not covered by the
22 Personnel Code, states that his principal duty is the
23 operation of aircraft, and who possesses a pilot's
24 license; however, the change in this definition made by
25 Public Act 83-842 ~~this amendatory Act of 1983~~ shall not
26 operate to exclude any noncovered employee who was an "air

1 pilot" for the purposes of this Section on January 1,
2 1984.

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

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

22 A person who became employed as an investigator for
23 the Secretary of State between January 1, 1967 and
24 December 31, 1975, and who has served as such until
25 attainment of age 60, either continuously or with a single
26 break in service of not more than 3 years duration, which

1 break terminated before January 1, 1976, shall be entitled
2 to have his retirement annuity calculated in accordance
3 with subsection (a), notwithstanding that he has less than
4 20 years of credit for such service.

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

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

20 The term "investigator for the Illinois Gaming Board"
21 means any person employed as such by the Illinois Gaming
22 Board and vested with such peace officer duties as render
23 the person ineligible for coverage under the Social
24 Security Act by reason of Sections 218(d)(5)(A),
25 218(d)(8)(D), and 218(1)(1) of that Act.

26 (8) The term "security employee of the Department of

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

1 The changes made to this subdivision (c)(8) by Public
2 Act 92-14 apply to persons who retire on or after January
3 1, 2001, notwithstanding Section 1-103.1.

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

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

1 facility operated by the Department of Juvenile Justice,
2 (ii) a parole officer, (iii) a member of the apprehension
3 unit, (iv) a member of the intelligence unit, (v) a member
4 of the sort team, or (vi) an investigator.

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

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

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

25 (14) "Controlled substance inspector" means any person
26 who is employed as such by the Department of Professional

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

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

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

19 (17) "Arson investigator" means any person who is
20 employed as such by the Office of the State Fire Marshal
21 and is vested with such law enforcement duties as render
22 the person 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. A person who was
25 employed as an arson investigator on January 1, 1995 and
26 is no longer in service but not yet receiving a retirement

1 annuity may convert his or her creditable service for
2 employment as an arson investigator into eligible
3 creditable service by paying to the System the difference
4 between the employee contributions actually paid for that
5 service and the amounts that would have been contributed
6 if the applicant were contributing at the rate applicable
7 to persons with the same social security status earning
8 eligible creditable service on the date of application.

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

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

21 (ii) A person employed on a full-time basis by the
22 Illinois State Toll Highway Authority in the position
23 of equipment operator/laborer H-4, equipment
24 operator/laborer H-6, welder H-4, welder H-6,
25 mechanical/electrical H-4, mechanical/electrical H-6,
26 water/sewer H-4, water/sewer H-6, sign maker/hanger

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

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

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

22 (21) The term "employee of the Department of Children
23 and Family Services who conducts home visits" means an
24 employee of the Department of Children and Family Services
25 whose duties include routine home visits.

26 (d) A security employee of the Department of Corrections

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

8 (i) 25 years of eligible creditable service and age
9 55; or

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

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

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

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

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

25 Persons who have service credit under Article 16 of this
26 Code for service as a security employee of the Department of

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

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

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

1 made after July 31, 1987, regular interest on the amount
2 specified in item (1) from the date of service to the date of
3 payment.

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

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

1 to the date of payment.

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

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

1 annually, from the date of service to the date of payment.

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

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

1 under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4
2 and the amounts that would have been contributed had such
3 contributions been made at the rates applicable to State
4 policemen, plus (ii) interest thereon at the effective rate
5 for each year, compounded annually, from the date of service
6 to the date of payment.

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

25 Subject to the limitation in subsection (i), a State
26 policeman, conservation police officer, investigator for the

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

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

1 July 30, 2021 (the effective date of Public Act 102-210) ~~this~~
2 ~~amendatory Act of the 102nd General Assembly~~ and paying to the
3 System an amount to be determined by the Board equal to (i) the
4 difference between the amount of employee and employer
5 contributions transferred to the System under Sections
6 4-108.8, 7-139.8, and 9-121.10 and the amounts that would have
7 been contributed had such contributions been made at the rates
8 applicable to State policemen, plus (ii) interest thereon at
9 the actuarially assumed rate for each year, compounded
10 annually, from the date of service to the date of payment.

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

1 of service to the date of payment.

2 Notwithstanding the limitation in subsection (i), a State
3 policeman or conservation police officer may elect to convert
4 service credit earned under this Article to eligible
5 creditable service, as defined by this Section, by filing a
6 written election with the board within 6 months after July 30,
7 2021 (the effective date of Public Act 102-210) ~~this~~
8 ~~amendatory Act of the 102nd General Assembly~~ and paying to the
9 System an amount to be determined by the Board equal to (i) the
10 difference between the amount of employee contributions
11 originally paid for that service and the amounts that would
12 have been contributed had such contributions been made at the
13 rates applicable to State policemen, plus (ii) the difference
14 between the employer's normal cost of the credit prior to the
15 conversion authorized by Public Act 102-210 ~~this amendatory~~
16 ~~Act of the 102nd General Assembly~~ and the employer's normal
17 cost of the credit converted in accordance with Public Act
18 102-210 ~~this amendatory Act of the 102nd General Assembly,~~
19 plus (iii) interest thereon at the actuarially assumed rate
20 for each year, compounded annually, from the date of service
21 to the date of payment.

22 Notwithstanding the limitation in subsection (i), an
23 employee of the Department of Children and Family Services who
24 conducts home visits may elect to convert service credit
25 earned under this Article as an employee of the Department of
26 Children and Family Services who conducts home visits to

1 eligible creditable service, as defined by this Section, by
2 filing a written election with the board within 6 months after
3 the effective date of this amendatory Act of the 102nd General
4 Assembly and paying to the System an amount to be determined by
5 the Board equal to (i) the difference between the amount of
6 employee contributions originally paid for that service and
7 the amounts that would have been contributed had such
8 contributions been made at the rates applicable to State
9 policemen, plus (ii) the difference between the employer's
10 normal cost of the credit prior to the conversion authorized
11 by this amendatory Act of the 102nd General Assembly and the
12 employer's normal cost of the credit converted in accordance
13 with this amendatory Act of the 102nd General Assembly, plus
14 (iii) interest thereon at the actuarially assumed rate for
15 each year, compounded annually, from the date of service to
16 the date of payment.

17 (i) The total amount of eligible creditable service
18 established by any person under subsections (g), (h), (j),
19 (k), (l), (1-5), and (o) of this Section shall not exceed 12
20 years.

21 (j) Subject to the limitation in subsection (i), an
22 investigator for the Office of the State's Attorneys Appellate
23 Prosecutor or a controlled substance inspector may elect to
24 establish eligible creditable service for up to 10 years of
25 his service as a policeman under Article 3 or a sheriff's law
26 enforcement employee under Article 7, by filing a written

1 election with the Board, accompanied by payment of an amount
2 to be determined by the Board, equal to (1) the difference
3 between the amount of employee and employer contributions
4 transferred to the System under Section 3-110.6 or 7-139.8,
5 and the amounts that would have been contributed had such
6 contributions been made at the rates applicable to State
7 policemen, plus (2) interest thereon at the effective rate for
8 each year, compounded annually, from the date of service to
9 the date of payment.

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

1 cost of the benefits accrued for the credit being established,
2 plus (3) regular interest on the amounts in items (1) and (2)
3 from the first day as an alternative formula employee after
4 the employment for which credit is being established to the
5 date of payment.

6 (1) Subject to the limitation in subsection (i), a
7 security employee of the Department of Corrections may elect,
8 not later than July 1, 1998, to establish eligible creditable
9 service for up to 10 years of his or her service as a policeman
10 under Article 3, by filing a written election with the Board,
11 accompanied by payment of an amount to be determined by the
12 Board, equal to (i) the difference between the amount of
13 employee and employer contributions transferred to the System
14 under Section 3-110.5, and the amounts that would have been
15 contributed had such contributions been made at the rates
16 applicable to security employees of the Department of
17 Corrections, plus (ii) interest thereon at the effective rate
18 for each year, compounded annually, from the date of service
19 to the date of payment.

20 (1-5) Subject to the limitation in subsection (i) of this
21 Section, a State policeman may elect to establish eligible
22 creditable service for up to 5 years of service as a full-time
23 law enforcement officer employed by the federal government or
24 by a state or local government located outside of Illinois for
25 which credit is not held in any other public employee pension
26 fund or retirement system. To obtain this credit, the

1 applicant must file a written application with the Board no
2 later than 3 years after January 1, 2020 (the effective date of
3 Public Act 101-610) ~~this amendatory Act of the 101st General~~
4 ~~Assembly~~, accompanied by evidence of eligibility acceptable to
5 the Board and payment of an amount to be determined by the
6 Board, equal to (1) employee contributions for the credit
7 being established, based upon the applicant's salary on the
8 first day as an alternative formula employee after the
9 employment for which credit is being established and the rates
10 then applicable to alternative formula employees, plus (2) an
11 amount determined by the Board to be the employer's normal
12 cost of the benefits accrued for the credit being established,
13 plus (3) regular interest on the amounts in items (1) and (2)
14 from the first day as an alternative formula employee after
15 the employment for which credit is being established to the
16 date of payment.

17 (m) The amendatory changes to this Section made by Public
18 Act 94-696 ~~this amendatory Act of the 94th General Assembly~~
19 apply only to: (1) security employees of the Department of
20 Juvenile Justice employed by the Department of Corrections
21 before June 1, 2006 (the effective date of Public Act 94-696)
22 ~~this amendatory Act of the 94th General Assembly~~ and
23 transferred to the Department of Juvenile Justice by Public
24 Act 94-696 ~~this amendatory Act of the 94th General Assembly~~;
25 and (2) persons employed by the Department of Juvenile Justice
26 on or after June 1, 2006 (the effective date of Public Act

1 ~~94-696) this amendatory Act of the 94th General Assembly~~ who
2 are required by subsection (b) of Section 3-2.5-15 of the
3 Unified Code of Corrections to have any bachelor's or advanced
4 degree from an accredited college or university or, in the
5 case of persons who provide vocational training, who are
6 required to have adequate knowledge in the skill for which
7 they are providing the vocational training.

8 (n) A person employed in a position under subsection (b)
9 of this Section who has purchased service credit under
10 subsection (j) of Section 14-104 or subsection (b) of Section
11 14-105 in any other capacity under this Article may convert up
12 to 5 years of that service credit into service credit covered
13 under this Section by paying to the Fund an amount equal to (1)
14 the additional employee contribution required under Section
15 14-133, plus (2) the additional employer contribution required
16 under Section 14-131, plus (3) interest on items (1) and (2) at
17 the actuarially assumed rate from the date of the service to
18 the date of payment.

19 (o) Subject to the limitation in subsection (i), a
20 conservation police officer, investigator for the Secretary of
21 State, Commerce Commission police officer, investigator for
22 the Department of Revenue or the Illinois Gaming Board, or
23 arson investigator subject to subsection (g) of Section 1-160
24 may elect to convert up to 8 years of service credit
25 established before January 1, 2020 (the effective date of
26 Public Act 101-610) ~~this amendatory Act of the 101st General~~

1 ~~Assembly~~ as a conservation police officer, investigator for
2 the Secretary of State, Commerce Commission police officer,
3 investigator for the Department of Revenue or the Illinois
4 Gaming Board, or arson investigator under this Article into
5 eligible creditable service by filing a written election with
6 the Board no later than one year after January 1, 2020 (the
7 effective date of Public Act 101-610) ~~this amendatory Act of~~
8 ~~the 101st General Assembly~~, accompanied by payment of an
9 amount to be determined by the Board equal to (i) the
10 difference between the amount of the employee contributions
11 actually paid for that service and the amount of the employee
12 contributions that would have been paid had the employee
13 contributions been made as a noncovered employee serving in a
14 position in which eligible creditable service, as defined in
15 this Section, may be earned, plus (ii) interest thereon at the
16 effective rate for each year, compounded annually, from the
17 date of service to the date of payment.

18 (Source: P.A. 101-610, eff. 1-1-20; 102-210, eff. 7-30-21;
19 102-538, eff. 8-20-21; revised 10-12-21.)

20 (40 ILCS 5/14-152.1)

21 Sec. 14-152.1. Application and expiration of new benefit
22 increases.

23 (a) As used in this Section, "new benefit increase" means
24 an increase in the amount of any benefit provided under this
25 Article, or an expansion of the conditions of eligibility for

1 any benefit under this Article, that results from an amendment
2 to this Code that takes effect after June 1, 2005 (the
3 effective date of Public Act 94-4). "New benefit increase",
4 however, does not include any benefit increase resulting from
5 the changes made to Article 1 or this Article by Public Act
6 96-37, Public Act 100-23, Public Act 100-587, Public Act
7 100-611, Public Act 101-10, Public Act 101-610, Public Act
8 102-210, or this amendatory Act of the 102nd General Assembly
9 ~~this amendatory Act of the 102nd General Assembly.~~

10 (b) Notwithstanding any other provision of this Code or
11 any subsequent amendment to this Code, every new benefit
12 increase is subject to this Section and shall be deemed to be
13 granted only in conformance with and contingent upon
14 compliance with the provisions of this Section.

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

19 Every new benefit increase is contingent upon the General
20 Assembly providing the additional funding required under this
21 subsection. The Commission on Government Forecasting and
22 Accountability shall analyze whether adequate additional
23 funding has been provided for the new benefit increase and
24 shall report its analysis to the Public Pension Division of
25 the Department of Insurance. A new benefit increase created by
26 a Public Act that does not include the additional funding

1 required under this subsection is null and void. If the Public
2 Pension Division determines that the additional funding
3 provided for a new benefit increase under this subsection is
4 or has become inadequate, it may so certify to the Governor and
5 the State Comptroller and, in the absence of corrective action
6 by the General Assembly, the new benefit increase shall expire
7 at the end of the fiscal year in which the certification is
8 made.

9 (d) Every new benefit increase shall expire 5 years after
10 its effective date or on such earlier date as may be specified
11 in the language enacting the new benefit increase or provided
12 under subsection (c). This does not prevent the General
13 Assembly from extending or re-creating a new benefit increase
14 by law.

15 (e) Except as otherwise provided in the language creating
16 the new benefit increase, a new benefit increase that expires
17 under this Section continues to apply to persons who applied
18 and qualified for the affected benefit while the new benefit
19 increase was in effect and to the affected beneficiaries and
20 alternate payees of such persons, but does not apply to any
21 other person, including, without limitation, a person who
22 continues in service after the expiration date and did not
23 apply and qualify for the affected benefit while the new
24 benefit increase was in effect.

25 (Source: P.A. 101-10, eff. 6-5-19; 101-81, eff. 7-12-19;
26 101-610, eff. 1-1-20; 102-210, eff. 7-30-21.)

1 Section 99. Effective date. This Act takes effect January
2 1, 2023.