



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB5737

by Rep. Amy Elik

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/1-170 new  
30 ILCS 805/8.46 new

Amends the General Provisions Article of the Illinois Pension Code. Provides that benefit or annuity payments to a member or participant shall be suspended if the member or participant is indicted or charged by information with a felony and the board of the retirement system or pension fund determines that the felony relates to or arises out of or in connection with his or her service as a member or participant of the retirement system or pension fund. Provides that if the member or participant is not convicted of that felony, payment of the benefit or annuity shall resume and the retirement system or pension fund shall pay to the member or participant the amount of the suspended annuity or benefit payments with interest. Provides that if the member or participant is convicted of that felony, the suspended annuity or benefit payments shall not be paid to the member or participant. Provides that the amendatory Act applies without regard to whether the member or participant first became a member or participant of a retirement system or pension fund before the effective date. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB102 26756 RPS 37669 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 adding  
5 Section 1-170 as follows:

6 (40 ILCS 5/1-170 new)

7 Sec. 1-170. Suspension of benefits; felony indictment or  
8 charge. Notwithstanding any other provision of this Code,  
9 benefit or annuity payments to a member or participant shall  
10 be suspended if the member or participant is indicted or  
11 charged by information with a felony and the board of the  
12 retirement system or pension fund determines that the felony  
13 relates to or arises out of or in connection with his or her  
14 service as a member or participant of the retirement system or  
15 pension fund. If the member or participant is not convicted of  
16 that felony, payment of the benefit or annuity shall resume  
17 and the retirement system or pension fund shall pay to the  
18 member or participant the amount of the suspended annuity or  
19 benefit payments with interest, at a rate determined by the  
20 board of the retirement system or pension fund. If the member  
21 or participant is convicted of that felony, the suspended  
22 annuity or benefit payments shall not be paid to the member or  
23 participant; however, the member or participant shall be

1 entitled to a refund or his or her contributions as provided in  
2 the applicable provisions concerning forfeiture of benefits  
3 for certain felony convictions. This Section applies without  
4 regard to whether the member or participant first became a  
5 member or participant of a retirement system or pension fund  
6 before the effective date of this amendatory Act of the 102nd  
7 General Assembly.

8 Section 90. The State Mandates Act is amended by adding  
9 Section 8.46 as follows:

10 (30 ILCS 805/8.46 new)

11 Sec. 8.46. Exempt mandate. Notwithstanding Sections 6 and  
12 8 of this Act, no reimbursement by the State is required for  
13 the implementation of any mandate created by this amendatory  
14 Act of the 102nd General Assembly.

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law.