



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2894

Introduced 4/20/2021, by Sen. Terri Bryant

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 Employee Articles of the Illinois Pension Code. Provides that the alternative retirement annuity under the State Employee Article applies to a security employee of the Department of Human Services subject to the Tier 2 provisions. Provides that a security employee of the Department of Human Services subject to the Tier 2 provisions may convert up to 8 years of service credit established before the effective date of the amendatory Act as a security employee of the Department of Human Services under the State Employee Article into eligible creditable service by filing a written election with the Board under that Article, accompanied by a specified payment. Excludes a benefit increase resulting from the amendatory Act from the definition of "new benefit increase". Effective immediately.

LRB102 18132 RPS 25418 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

1 AN ACT concerning public employee benefits.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Pension Code is amended by
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 15 or 18 of this Code, notwithstanding any other provision of
14 this Code to the contrary, but do not apply to any self-managed
15 plan established under this Code, to any person with respect
16 to service as a sheriff's law enforcement employee under
17 Article 7, or to any participant of the retirement plan
18 established under Section 22-101. Notwithstanding anything to
19 the contrary in this Section, for purposes of this Section, a
20 person who participated in a retirement system under Article
21 15 prior to January 1, 2011 shall be deemed a person who first
22 became a member or participant prior to January 1, 2011 under
23 any retirement system or pension fund subject to this Section.

1 The changes made to this Section by Public Act 98-596 are a
2 clarification of existing law and are intended to be
3 retroactive to January 1, 2011 (the effective date of Public
4 Act 96-889), notwithstanding the provisions of Section 1-103.1
5 of this Code.

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

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

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

23 This Section does not apply to a person who first becomes a
24 member or participant of an affected pension fund on or after 6
25 months after the resolution or ordinance date, as defined in
26 Section 1-162, unless that person elects under subsection (c)

1 of Section 1-162 to receive the benefits provided under this
2 Section and the applicable provisions of the Article under
3 which he or she is a member or participant.

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

16 (1) In Article 7 (except for service as sheriff's law
17 enforcement employees), "final rate of earnings".

18 (2) In Articles 8, 9, 10, 11, and 12, "highest average
19 annual salary for any 4 consecutive years within the last
20 10 years of service immediately preceding the date of
21 withdrawal".

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

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

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

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

1 (b-5) Beginning on January 1, 2011, for all purposes under
2 this Code (including without limitation the calculation of
3 benefits and employee contributions), the annual earnings,
4 salary, or wages (based on the plan year) of a member or
5 participant to whom this Section applies shall not exceed
6 \$106,800; however, that amount shall annually thereafter be
7 increased by the lesser of (i) 3% of that amount, including all
8 previous adjustments, or (ii) one-half the annual unadjusted
9 percentage increase (but not less than zero) in the consumer
10 price index-u for the 12 months ending with the September
11 preceding each November 1, including all previous adjustments.

12 For the purposes of this Section, "consumer price index-u"
13 means the index published by the Bureau of Labor Statistics of
14 the United States Department of Labor that measures the
15 average change in prices of goods and services purchased by
16 all urban consumers, United States city average, all items,
17 1982-84 = 100. The new amount resulting from each annual
18 adjustment shall be determined by the Public Pension Division
19 of the Department of Insurance and made available to the
20 boards of the retirement systems and pension funds by November
21 1 of each year.

22 (c) A member or participant is entitled to a retirement
23 annuity upon written application if he or she has attained age
24 67 (beginning January 1, 2015, age 65 with respect to service
25 under Article 12 of this Code that is subject to this Section)
26 and has at least 10 years of service credit and is otherwise

1 eligible under the requirements of the applicable Article.

2 A member or participant who has attained age 62 (beginning
3 January 1, 2015, age 60 with respect to service under Article
4 12 of this Code that is subject to this Section) and has at
5 least 10 years of service credit and is otherwise eligible
6 under the requirements of the applicable Article may elect to
7 receive the lower retirement annuity provided in subsection
8 (d) of 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 (beginning January 1, 2015,
20 age 60 with respect to service under Article 12 of this Code
21 that is subject to this Section) with at least 10 years of
22 service credit shall be reduced by one-half of 1% for each full
23 month that the member's age is under age 67 (beginning January
24 1, 2015, age 65 with respect to service under Article 12 of
25 this Code that is subject to this Section).

26 (d-5) The retirement annuity payable under Article 8 or

1 Article 11 to an eligible person subject to subsection (c-5)
2 of this Section who is retiring at age 60 with at least 10
3 years of service credit shall be reduced by one-half of 1% for
4 each full month that the member's age is under age 65.

5 (d-10) Each person who first became a member or
6 participant under Article 8 or Article 11 of this Code on or
7 after January 1, 2011 and prior to the effective date of this
8 amendatory Act of the 100th General Assembly shall make an
9 irrevocable election either:

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

18 (ii) to not agree to item (i) of this subsection
19 (d-10), in which case the member or participant shall
20 continue to be subject to the retirement age provisions in
21 subsections (c) and (d) of this Section and the employee
22 contributions for age and service annuity as provided in
23 subsection (a) of Section 8-174 of this Code (for service
24 under Article 8) or subsection (a) of Section 11-170 of
25 this Code (for service under Article 11).

26 The election provided for in this subsection shall be made

1 between October 1, 2017 and November 15, 2017. A person
2 subject to this subsection who makes the required election
3 shall remain bound by that election. A person subject to this
4 subsection who fails for any reason to make the required
5 election within the time specified in this subsection shall be
6 deemed to have made the election under item (ii).

7 (e) Any retirement annuity or supplemental annuity shall
8 be subject to annual increases on the January 1 occurring
9 either on or after the attainment of age 67 (beginning January
10 1, 2015, age 65 with respect to service under Article 12 of
11 this Code that is subject to this Section and beginning on the
12 effective date of this amendatory Act of the 100th General
13 Assembly, age 65 with respect to service under Article 8 or
14 Article 11 for eligible persons who: (i) are subject to
15 subsection (c-5) of this Section; or (ii) made the election
16 under item (i) of subsection (d-10) of this Section) or the
17 first anniversary of the annuity start date, whichever is
18 later. Each annual increase shall be calculated at 3% or
19 one-half the annual unadjusted percentage increase (but not
20 less than zero) in the consumer price index-u for the 12 months
21 ending with the September preceding each November 1, whichever
22 is less, of the originally granted retirement annuity. If the
23 annual unadjusted percentage change in the consumer price
24 index-u for the 12 months ending with the September preceding
25 each November 1 is zero or there is a decrease, then the
26 annuity shall not be increased.

1 For the purposes of Section 1-103.1 of this Code, the
2 changes made to this Section by this amendatory Act of the
3 100th General Assembly are applicable without regard to
4 whether the employee was in active service on or after the
5 effective date of this amendatory Act of the 100th General
6 Assembly.

7 (f) The initial survivor's or widow's annuity of an
8 otherwise eligible survivor or widow of a retired member or
9 participant who first became a member or participant on or
10 after January 1, 2011 shall be in the amount of 66 2/3% of the
11 retired member's or participant's retirement annuity at the
12 date of death. In the case of the death of a member or
13 participant who has not retired and who first became a member
14 or participant on or after January 1, 2011, eligibility for a
15 survivor's or widow's annuity shall be determined by the
16 applicable Article of this Code. The initial benefit shall be
17 66 2/3% of the earned annuity without a reduction due to age. A
18 child's annuity of an otherwise eligible child shall be in the
19 amount prescribed under each Article if applicable. Any
20 survivor's or widow's annuity shall be increased (1) on each
21 January 1 occurring on or after the commencement of the
22 annuity if the deceased member died while receiving a
23 retirement annuity or (2) in other cases, on each January 1
24 occurring after the first anniversary of the commencement of
25 the annuity. 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 survivor's 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 (g) The benefits in Section 14-110 apply only if the
9 person is a State policeman, a fire fighter in the fire
10 protection service of a department, a conservation police
11 officer, an investigator for the Secretary of State, an arson
12 investigator, a Commerce Commission police officer,
13 investigator for the Department of Revenue or the Illinois
14 Gaming Board, a security employee of the Department of
15 Corrections or the Department of Juvenile Justice, a security
16 employee of the Department of Human Services, or a security
17 employee of the Department of Innovation and Technology, as
18 those terms are defined in subsection (b) and subsection (c)
19 of Section 14-110. A person who meets the requirements of this
20 Section is entitled to an annuity calculated under the
21 provisions of Section 14-110, in lieu of the regular or
22 minimum retirement annuity, only if the person has withdrawn
23 from service with not less than 20 years of eligible
24 creditable service and has attained age 60, regardless of
25 whether the attainment of age 60 occurs while the person is
26 still in service.

1 (h) If a person who first becomes a member or a participant
2 of a retirement system or pension fund subject to this Section
3 on or after January 1, 2011 is receiving a retirement annuity
4 or retirement pension under that system or fund and becomes a
5 member or participant under any other system or fund created
6 by this Code and is employed on a full-time basis, except for
7 those members or participants exempted from the provisions of
8 this Section under subsection (a) of this Section, then the
9 person's retirement annuity or retirement pension under that
10 system or fund shall be suspended during that employment. Upon
11 termination of that employment, the person's retirement
12 annuity or retirement pension payments shall resume and be
13 recalculated if recalculation is provided for under the
14 applicable Article of this Code.

15 If a person who first becomes a member of a retirement
16 system or pension fund subject to this Section on or after
17 January 1, 2012 and is receiving a retirement annuity or
18 retirement pension under that system or fund and accepts on a
19 contractual basis a position to provide services to a
20 governmental entity from which he or she has retired, then
21 that person's annuity or retirement pension earned as an
22 active employee of the employer shall be suspended during that
23 contractual service. A person receiving an annuity or
24 retirement pension under this Code shall notify the pension
25 fund or retirement system from which he or she is receiving an
26 annuity or retirement pension, as well as his or her

1 contractual employer, of his or her retirement status before
2 accepting contractual employment. A person who fails to submit
3 such notification shall be guilty of a Class A misdemeanor and
4 required to pay a fine of \$1,000. Upon termination of that
5 contractual employment, the person's retirement annuity or
6 retirement pension payments shall resume and, if appropriate,
7 be recalculated under the applicable provisions of this Code.

8 (i) (Blank).

9 (j) In the case of a conflict between the provisions of
10 this Section and any other provision of this Code, the
11 provisions of this Section shall control.

12 (Source: P.A. 100-23, eff. 7-6-17; 100-201, eff. 8-18-17;
13 100-563, eff. 12-8-17; 100-611, eff. 7-20-18; 100-1166, eff.
14 1-4-19; 101-610, eff. 1-1-20.)

15 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)

16 Sec. 14-110. Alternative retirement annuity.

17 (a) Any member who has withdrawn from service with not
18 less than 20 years of eligible creditable service and has
19 attained age 55, and any member who has withdrawn from service
20 with not less than 25 years of eligible creditable service and
21 has attained age 50, regardless of whether the attainment of
22 either of the specified ages occurs while the member is still
23 in service, shall be entitled to receive at the option of the
24 member, in lieu of the regular or minimum retirement annuity,
25 a retirement annuity computed as follows:

1 (i) for periods of service as a noncovered employee:
2 if retirement occurs on or after January 1, 2001, 3% of
3 final average compensation for each year of creditable
4 service; if retirement occurs before January 1, 2001, 2
5 1/4% of final average compensation for each of the first
6 10 years of creditable service, 2 1/2% for each year above
7 10 years to and including 20 years of creditable service,
8 and 2 3/4% for each year of creditable service above 20
9 years; and

10 (ii) for periods of eligible creditable service as a
11 covered employee: if retirement occurs on or after January
12 1, 2001, 2.5% of final average compensation for each year
13 of creditable service; if retirement occurs before January
14 1, 2001, 1.67% of final average compensation for each of
15 the first 10 years of such service, 1.90% for each of the
16 next 10 years of such service, 2.10% for each year of such
17 service in excess of 20 but not exceeding 30, and 2.30% for
18 each year in excess of 30.

19 Such annuity shall be subject to a maximum of 75% of final
20 average compensation if retirement occurs before January 1,
21 2001 or to a maximum of 80% of final average compensation if
22 retirement occurs on or after January 1, 2001.

23 These rates shall not be applicable to any service
24 performed by a member as a covered employee which is not
25 eligible creditable service. Service as a covered employee
26 which is not eligible creditable service shall be subject to

1 the rates and provisions of Section 14-108.

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

5 (1) State policeman;

6 (2) fire fighter in the fire protection service of a
7 department;

8 (3) air pilot;

9 (4) special agent;

10 (5) investigator for the Secretary of State;

11 (6) conservation police officer;

12 (7) investigator for the Department of Revenue or the
13 Illinois Gaming Board;

14 (8) security employee of the Department of Human
15 Services;

16 (9) Central Management Services security police
17 officer;

18 (10) security employee of the Department of
19 Corrections or the Department of Juvenile Justice;

20 (11) dangerous drugs investigator;

21 (12) investigator for the Department of State Police;

22 (13) investigator for the Office of the Attorney
23 General;

24 (14) controlled substance inspector;

25 (15) investigator for the Office of the State's
26 Attorneys Appellate Prosecutor;

- 1 (16) Commerce Commission police officer;
2 (17) arson investigator;
3 (18) State highway maintenance worker;
4 (19) security employee of the Department of Innovation
5 and Technology; or
6 (20) transferred employee.

7 A person employed in one of the positions specified in
8 this subsection is entitled to eligible creditable service for
9 service credit earned under this Article while undergoing the
10 basic police training course approved by the Illinois Law
11 Enforcement Training Standards Board, if completion of that
12 training is required of persons serving in that position. For
13 the purposes of this Code, service during the required basic
14 police training course shall be deemed performance of the
15 duties of the specified position, even though the person is
16 not a sworn peace officer at the time of the training.

17 A person under paragraph (20) is entitled to eligible
18 creditable service for service credit earned under this
19 Article on and after his or her transfer by Executive Order No.
20 2003-10, Executive Order No. 2004-2, or Executive Order No.
21 2016-1.

22 (c) For the purposes of this Section:

23 (1) The term "State policeman" includes any title or
24 position in the Department of State Police that is held by
25 an individual employed under the State Police Act.

26 (2) The term "fire fighter in the fire protection

1 service of a department" includes all officers in such
2 fire protection service including fire chiefs and
3 assistant fire chiefs.

4 (3) The term "air pilot" includes any employee whose
5 official job description on file in the Department of
6 Central Management Services, or in the department by which
7 he is employed if that department is not covered by the
8 Personnel Code, states that his principal duty is the
9 operation of aircraft, and who possesses a pilot's
10 license; however, the change in this definition made by
11 this amendatory Act of 1983 shall not operate to exclude
12 any noncovered employee who was an "air pilot" for the
13 purposes of this Section on January 1, 1984.

14 (4) The term "special agent" means any person who by
15 reason of employment by the Division of Narcotic Control,
16 the Bureau of Investigation or, after July 1, 1977, the
17 Division of Criminal Investigation, the Division of
18 Internal Investigation, the Division of Operations, or any
19 other Division or organizational entity in the Department
20 of State Police is vested by law with duties to maintain
21 public order, investigate violations of the criminal law
22 of this State, enforce the laws of this State, make
23 arrests and recover property. The term "special agent"
24 includes any title or position in the Department of State
25 Police that is held by an individual employed under the
26 State Police Act.

1 (5) The term "investigator for the Secretary of State"
2 means any person employed by the Office of the Secretary
3 of State and vested with such investigative duties as
4 render him ineligible for coverage under the Social
5 Security Act by reason of Sections 218(d)(5)(A),
6 218(d)(8)(D) and 218(1)(1) of that Act.

7 A person who became employed as an investigator for
8 the Secretary of State between January 1, 1967 and
9 December 31, 1975, and who has served as such until
10 attainment of age 60, either continuously or with a single
11 break in service of not more than 3 years duration, which
12 break terminated before January 1, 1976, shall be entitled
13 to have his retirement annuity calculated in accordance
14 with subsection (a), notwithstanding that he has less than
15 20 years of credit for such service.

16 (6) The term "Conservation Police Officer" means any
17 person employed by the Division of Law Enforcement of the
18 Department of Natural Resources and vested with such law
19 enforcement duties as render him ineligible for coverage
20 under the Social Security Act by reason of Sections
21 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The
22 term "Conservation Police Officer" includes the positions
23 of Chief Conservation Police Administrator and Assistant
24 Conservation Police Administrator.

25 (7) The term "investigator for the Department of
26 Revenue" means any person employed by the Department of

1 Revenue and vested with such investigative duties as
2 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.

5 The term "investigator for the Illinois Gaming Board"
6 means any person employed as such by the Illinois Gaming
7 Board and vested with such peace officer duties as render
8 the person ineligible for coverage under the Social
9 Security Act by reason of Sections 218(d)(5)(A),
10 218(d)(8)(D), and 218(1)(1) of that Act.

11 (8) The term "security employee of the Department of
12 Human Services" means any person employed by the
13 Department of Human Services who (i) is employed at the
14 Chester Mental Health Center and has daily contact with
15 the residents thereof, (ii) is employed within a security
16 unit at a facility operated by the Department and has
17 daily contact with the residents of the security unit,
18 (iii) is employed at a facility operated by the Department
19 that includes a security unit and is regularly scheduled
20 to work at least 50% of his or her working hours within
21 that security unit, or (iv) is a mental health police
22 officer. "Mental health police officer" means any person
23 employed by the Department of Human Services in a position
24 pertaining to the Department's mental health and
25 developmental disabilities functions who is vested with
26 such law enforcement duties as render the person

1 ineligible for coverage under the Social Security Act by
2 reason of Sections 218(d)(5)(A), 218(d)(8)(D) and
3 218(1)(1) of that Act. "Security unit" means that portion
4 of a facility that is devoted to the care, containment,
5 and treatment of persons committed to the Department of
6 Human Services as sexually violent persons, persons unfit
7 to stand trial, or persons not guilty by reason of
8 insanity. With respect to past employment, references to
9 the Department of Human Services include its predecessor,
10 the Department of Mental Health and Developmental
11 Disabilities.

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

15 (9) "Central Management Services security police
16 officer" means any person employed by the Department of
17 Central Management Services who is vested with such law
18 enforcement 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.

21 (10) For a member who first became an employee under
22 this Article before July 1, 2005, the term "security
23 employee of the Department of Corrections or the
24 Department of Juvenile Justice" means any employee of the
25 Department of Corrections or the Department of Juvenile
26 Justice or the former Department of Personnel, and any

1 member or employee of the Prisoner Review Board, who has
2 daily contact with inmates or youth by working within a
3 correctional facility or Juvenile facility operated by the
4 Department of Juvenile Justice or who is a parole officer
5 or an employee who has direct contact with committed
6 persons in the performance of his or her job duties. For a
7 member who first becomes an employee under this Article on
8 or after July 1, 2005, the term means an employee of the
9 Department of Corrections or the Department of Juvenile
10 Justice who is any of the following: (i) officially
11 headquartered at a correctional facility or Juvenile
12 facility operated by the Department of Juvenile Justice,
13 (ii) a parole officer, (iii) a member of the apprehension
14 unit, (iv) a member of the intelligence unit, (v) a member
15 of the sort team, or (vi) an investigator.

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

19 (12) The term "investigator for the Department of
20 State Police" means a person employed by the Department of
21 State Police who is vested under Section 4 of the Narcotic
22 Control Division Abolition Act with such law enforcement
23 powers as render him ineligible for coverage under the
24 Social Security Act by reason of Sections 218(d)(5)(A),
25 218(d)(8)(D) and 218(1)(1) of that Act.

26 (13) "Investigator for the Office of the Attorney

1 General" means any person who is employed as such by the
2 Office of the Attorney General and is vested with such
3 investigative duties as render him ineligible for coverage
4 under the Social Security Act by reason of Sections
5 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act. For
6 the period before January 1, 1989, the term includes all
7 persons who were employed as investigators by the Office
8 of the Attorney General, without regard to social security
9 status.

10 (14) "Controlled substance inspector" means any person
11 who is employed as such by the Department of Professional
12 Regulation and is vested with such law enforcement duties
13 as render him ineligible for coverage under the Social
14 Security Act by reason of Sections 218(d)(5)(A),
15 218(d)(8)(D) and 218(1)(1) of that Act. The term
16 "controlled substance inspector" includes the Program
17 Executive of Enforcement and the Assistant Program
18 Executive of Enforcement.

19 (15) The term "investigator for the Office of the
20 State's Attorneys Appellate Prosecutor" means a person
21 employed in that capacity on a full time basis under the
22 authority of Section 7.06 of the State's Attorneys
23 Appellate Prosecutor's Act.

24 (16) "Commerce Commission police officer" means any
25 person employed by the Illinois Commerce Commission who is
26 vested with such law enforcement duties as render him

1 ineligible for coverage under the Social Security Act by
2 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and
3 218(1)(1) of that Act.

4 (17) "Arson investigator" means any person who is
5 employed as such by the Office of the State Fire Marshal
6 and is vested with such law enforcement duties as render
7 the person ineligible for coverage under the Social
8 Security Act by reason of Sections 218(d)(5)(A),
9 218(d)(8)(D), and 218(1)(1) of that Act. A person who was
10 employed as an arson investigator on January 1, 1995 and
11 is no longer in service but not yet receiving a retirement
12 annuity may convert his or her creditable service for
13 employment as an arson investigator into eligible
14 creditable service by paying to the System the difference
15 between the employee contributions actually paid for that
16 service and the amounts that would have been contributed
17 if the applicant were contributing at the rate applicable
18 to persons with the same social security status earning
19 eligible creditable service on the date of application.

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

22 (i) A person employed on a full-time basis by the
23 Illinois Department of Transportation in the position
24 of highway maintainer, highway maintenance lead
25 worker, highway maintenance lead/lead worker, heavy
26 construction equipment operator, power shovel

1 operator, or bridge mechanic; and whose principal
2 responsibility is to perform, on the roadway, the
3 actual maintenance necessary to keep the highways that
4 form a part of the State highway system in serviceable
5 condition for vehicular traffic.

6 (ii) A person employed on a full-time basis by the
7 Illinois State Toll Highway Authority in the position
8 of equipment operator/laborer H-4, equipment
9 operator/laborer H-6, welder H-4, welder H-6,
10 mechanical/electrical H-4, mechanical/electrical H-6,
11 water/sewer H-4, water/sewer H-6, sign maker/hanger
12 H-4, sign maker/hanger H-6, roadway lighting H-4,
13 roadway lighting H-6, structural H-4, structural H-6,
14 painter H-4, or painter H-6; and whose principal
15 responsibility is to perform, on the roadway, the
16 actual maintenance necessary to keep the Authority's
17 tollways in serviceable condition for vehicular
18 traffic.

19 (19) The term "security employee of the Department of
20 Innovation and Technology" means a person who was a
21 security employee of the Department of Corrections or the
22 Department of Juvenile Justice, was transferred to the
23 Department of Innovation and Technology pursuant to
24 Executive Order 2016-01, and continues to perform similar
25 job functions under that Department.

26 (20) "Transferred employee" means an employee who was

1 transferred to the Department of Central Management
2 Services by Executive Order No. 2003-10 or Executive Order
3 No. 2004-2 or transferred to the Department of Innovation
4 and Technology by Executive Order No. 2016-1, or both, and
5 was entitled to eligible creditable service for services
6 immediately preceding the transfer.

7 (d) A security employee of the Department of Corrections
8 or the Department of Juvenile Justice, a security employee of
9 the Department of Human Services who is not a mental health
10 police officer, and a security employee of the Department of
11 Innovation and Technology shall not be eligible for the
12 alternative retirement annuity provided by this Section unless
13 he or she meets the following minimum age and service
14 requirements at the time of retirement:

15 (i) 25 years of eligible creditable service and age
16 55; or

17 (ii) beginning January 1, 1987, 25 years of eligible
18 creditable service and age 54, or 24 years of eligible
19 creditable service and age 55; or

20 (iii) beginning January 1, 1988, 25 years of eligible
21 creditable service and age 53, or 23 years of eligible
22 creditable service and age 55; or

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

26 (v) beginning January 1, 1990, 25 years of eligible

1 creditable service and age 51, or 21 years of eligible
2 creditable service and age 55; or

3 (vi) beginning January 1, 1991, 25 years of eligible
4 creditable service and age 50, or 20 years of eligible
5 creditable service and age 55.

6 Persons who have service credit under Article 16 of this
7 Code for service as a security employee of the Department of
8 Corrections or the Department of Juvenile Justice, or the
9 Department of Human Services in a position requiring
10 certification as a teacher may count such service toward
11 establishing their eligibility under the service requirements
12 of this Section; but such service may be used only for
13 establishing such eligibility, and not for the purpose of
14 increasing or calculating any benefit.

15 (e) If a member enters military service while working in a
16 position in which eligible creditable service may be earned,
17 and returns to State service in the same or another such
18 position, and fulfills in all other respects the conditions
19 prescribed in this Article for credit for military service,
20 such military service shall be credited as eligible creditable
21 service for the purposes of the retirement annuity prescribed
22 in this Section.

23 (f) For purposes of calculating retirement annuities under
24 this Section, periods of service rendered after December 31,
25 1968 and before October 1, 1975 as a covered employee in the
26 position of special agent, conservation police officer, mental

1 health police officer, or investigator for the Secretary of
2 State, shall be deemed to have been service as a noncovered
3 employee, provided that the employee pays to the System prior
4 to retirement an amount equal to (1) the difference between
5 the employee contributions that would have been required for
6 such service as a noncovered employee, and the amount of
7 employee contributions actually paid, plus (2) if payment is
8 made after July 31, 1987, regular interest on the amount
9 specified in item (1) from the date of service to the date of
10 payment.

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

23 (g) A State policeman may elect, not later than January 1,
24 1990, to establish eligible creditable service for up to 10
25 years of his service as a policeman under Article 3, by filing
26 a written election with the Board, accompanied by payment of

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

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

22 (h) Subject to the limitation in subsection (i), a State
23 policeman or investigator for the Secretary of State may elect
24 to establish eligible creditable service for up to 12 years of
25 his service as a policeman under Article 5, by filing a written
26 election with the Board on or before January 31, 1992, and

1 paying to the System by January 31, 1994 an amount to be
2 determined by the Board, equal to (i) the difference between
3 the amount of employee and employer contributions transferred
4 to the System under Section 5-236, and the amounts that would
5 have been contributed had such contributions been made at the
6 rates applicable to State policemen, plus (ii) interest
7 thereon at the effective rate for each year, compounded
8 annually, from the date of service to the date of payment.

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

23 Subject to the limitation in subsection (i), a State
24 policeman, conservation police officer, or investigator for
25 the Secretary of State may elect to establish eligible
26 creditable service for up to 5 years of service as a police

1 officer under Article 3, a policeman under Article 5, a
2 sheriff's law enforcement employee under Article 7, a member
3 of the county police department under Article 9, or a police
4 officer under Article 15 by filing a written election with the
5 Board and paying to the System an amount to be determined by
6 the Board, equal to (i) the difference between the amount of
7 employee and employer contributions transferred to the System
8 under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4
9 and the amounts that would have been contributed had such
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 Subject to the limitation in subsection (i), an
15 investigator for the Office of the Attorney General, or an
16 investigator for the Department of Revenue, may elect to
17 establish eligible creditable service for up to 5 years of
18 service as a police officer under Article 3, a policeman under
19 Article 5, a sheriff's law enforcement employee under Article
20 7, or a member of the county police department under Article 9
21 by filing a written election with the Board within 6 months
22 after August 25, 2009 (the effective date of Public Act
23 96-745) 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, or 9-121.10 and the

1 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 actuarially
4 assumed rate for each year, compounded annually, from the date
5 of service to the date of payment.

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

26 (i) The total amount of eligible creditable service

1 established by any person under subsections (g), (h), (j),
2 (k), (l), (l-5), ~~and~~ (o), and (p) of this Section shall not
3 exceed 12 years.

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

19 (k) Subject to the limitation in subsection (i) of this
20 Section, an alternative formula employee may elect to
21 establish eligible creditable service for periods spent as a
22 full-time law enforcement officer or full-time corrections
23 officer employed by the federal government or by a state or
24 local government located outside of Illinois, for which credit
25 is not held in any other public employee pension fund or
26 retirement system. To obtain this credit, the applicant must

1 file a written application with the Board by March 31, 1998,
2 accompanied by evidence of eligibility acceptable to the Board
3 and payment of an amount to be determined by the Board, equal
4 to (1) employee contributions for the credit being
5 established, based upon the applicant's salary on the first
6 day as an alternative formula employee after the employment
7 for which credit is being established and the rates then
8 applicable to alternative formula employees, plus (2) an
9 amount determined by the Board to be the employer's normal
10 cost of the benefits accrued for the credit being established,
11 plus (3) regular interest on the amounts in items (1) and (2)
12 from the first day as an alternative formula employee after
13 the employment for which credit is being established to the
14 date of payment.

15 (1) Subject to the limitation in subsection (i), a
16 security employee of the Department of Corrections may elect,
17 not later than July 1, 1998, to establish eligible creditable
18 service for up to 10 years of his or her service as a policeman
19 under Article 3, by filing a written election with the Board,
20 accompanied by payment of an amount to be determined by the
21 Board, equal to (i) the difference between the amount of
22 employee and employer contributions transferred to the System
23 under Section 3-110.5, and the amounts that would have been
24 contributed had such contributions been made at the rates
25 applicable to security employees of the Department of
26 Corrections, plus (ii) interest thereon at the effective rate

1 for each year, compounded annually, from the date of service
2 to the date of payment.

3 (1-5) Subject to the limitation in subsection (i) of this
4 Section, a State policeman may elect to establish eligible
5 creditable service for up to 5 years of service as a full-time
6 law enforcement officer employed by the federal government or
7 by a state or local government located outside of Illinois for
8 which credit is not held in any other public employee pension
9 fund or retirement system. To obtain this credit, the
10 applicant must file a written application with the Board no
11 later than 3 years after the effective date of this amendatory
12 Act of the 101st General Assembly, accompanied by evidence of
13 eligibility acceptable to the Board and payment of an amount
14 to be determined by the Board, equal to (1) employee
15 contributions for the credit being established, based upon the
16 applicant's salary on the first day as an alternative formula
17 employee after the employment for which credit is being
18 established and the rates then applicable to alternative
19 formula employees, plus (2) an amount determined by the Board
20 to be the employer's normal cost of the benefits accrued for
21 the credit being established, plus (3) regular interest on the
22 amounts in items (1) and (2) from the first day as an
23 alternative formula employee after the employment for which
24 credit is being established to the date of payment.

25 (m) The amendatory changes to this Section made by this
26 amendatory Act of the 94th General Assembly apply only to: (1)

1 security employees of the Department of Juvenile Justice
2 employed by the Department of Corrections before the effective
3 date of this amendatory Act of the 94th General Assembly and
4 transferred to the Department of Juvenile Justice by this
5 amendatory Act of the 94th General Assembly; and (2) persons
6 employed by the Department of Juvenile Justice on or after the
7 effective date of this amendatory Act of the 94th General
8 Assembly who are required by subsection (b) of Section
9 3-2.5-15 of the Unified Code of Corrections to have any
10 bachelor's or advanced degree from an accredited college or
11 university or, in the case of persons who provide vocational
12 training, who are required to have adequate knowledge in the
13 skill for which they are providing the vocational training.

14 (n) A person employed in a position under subsection (b)
15 of this Section who has purchased service credit under
16 subsection (j) of Section 14-104 or subsection (b) of Section
17 14-105 in any other capacity under this Article may convert up
18 to 5 years of that service credit into service credit covered
19 under this Section by paying to the Fund an amount equal to (1)
20 the additional employee contribution required under Section
21 14-133, plus (2) the additional employer contribution required
22 under Section 14-131, plus (3) interest on items (1) and (2) at
23 the actuarially assumed rate from the date of the service to
24 the date of payment.

25 (o) Subject to the limitation in subsection (i), a
26 conservation police officer, investigator for the Secretary of

1 State, Commerce Commission police officer, investigator for
2 the Department of Revenue or the Illinois Gaming Board, or
3 arson investigator subject to subsection (g) of Section 1-160
4 may elect to convert up to 8 years of service credit
5 established before the effective date of this amendatory Act
6 of the 101st General Assembly as a conservation police
7 officer, investigator for the Secretary of State, Commerce
8 Commission police officer, investigator for the Department of
9 Revenue or the Illinois Gaming Board, or arson investigator
10 under this Article into eligible creditable service by filing
11 a written election with the Board no later than one year after
12 the effective date of this amendatory Act of the 101st General
13 Assembly, accompanied by payment of an amount to be determined
14 by the Board equal to (i) the difference between the amount of
15 the employee contributions actually paid for that service and
16 the amount of the employee contributions that would have been
17 paid had the employee contributions been made as a noncovered
18 employee serving in a position in which eligible creditable
19 service, as defined in this Section, may be earned, plus (ii)
20 interest thereon at the effective rate for each year,
21 compounded annually, from the date of service to the date of
22 payment.

23 (p) Subject to the limitation in subsection (i), a
24 security employee of the Department of Human Services who is
25 subject to subsection (g) of Section 1-160 may elect to
26 convert up to 8 years of service credit established before the

1 effective date of this amendatory Act of the 102nd General
2 Assembly as a security employee of the Department of Human
3 Services to eligible creditable service by filing a written
4 election with the Board no later than one year after the
5 effective date of this amendatory Act of the 102nd General
6 Assembly, accompanied by payment of an amount, to be
7 determined by the Board, equal to (i) the difference between
8 the amount of the employee contributions actually paid for
9 that service and the amount of the employee contributions that
10 would have been paid had the employee contributions been made
11 as a covered employee serving in a position in which eligible
12 creditable service, as defined in this Section, may be earned,
13 plus (ii) interest thereon at the effective rate for each
14 year, compounded annually, from the date of service to the
15 date of payment.

16 (Source: P.A. 100-19, eff. 1-1-18; 100-611, eff. 7-20-18;
17 101-610, eff. 1-1-20.)

18 (40 ILCS 5/14-152.1)

19 Sec. 14-152.1. Application and expiration of new benefit
20 increases.

21 (a) As used in this Section, "new benefit increase" means
22 an increase in the amount of any benefit provided under this
23 Article, or an expansion of the conditions of eligibility for
24 any benefit under this Article, that results from an amendment
25 to this Code that takes effect after June 1, 2005 (the

1 effective date of Public Act 94-4). "New benefit increase",
2 however, does not include any benefit increase resulting from
3 the changes made to Article 1 or this Article by Public Act
4 96-37, Public Act 100-23, Public Act 100-587, Public Act
5 100-611, Public Act 101-10, Public Act 101-610, or this
6 amendatory Act of the 102nd General Assembly ~~or this~~
7 ~~amendatory Act of the 101st General Assembly.~~

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

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

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

1 provided for a new benefit increase under this subsection is
2 or has become inadequate, it may so certify to the Governor and
3 the State Comptroller and, in the absence of corrective action
4 by the General Assembly, the new benefit increase shall expire
5 at the end of the fiscal year in which the certification is
6 made.

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

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

23 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
24 100-611, eff. 7-20-18; 101-10, eff. 6-5-19; 101-81, eff.
25 7-12-19; 101-610, eff. 1-1-20.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.