



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB2562

Introduced 02/18/05, by Rep. Patricia Bailey

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/9-128.1  
30 ILCS 805/8.29 new

from Ch. 108 1/2, par. 9-128.1

Amends the Cook County Article of the Illinois Pension Code. Adds corrections officer with the County Department of Corrections who withdraw or retire after December 31, 2004 to provisions concerning annuities for members of the County Police Department. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB094 10751 AMC 41175 b

FISCAL NOTE ACT  
MAY APPLY

PENSION IMPACT  
NOTE ACT MAY  
APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT concerning public employee benefits.

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

4 Section 5. The Illinois Pension Code is amended by changing  
5 Section 9-128.1 as follows:

6 (40 ILCS 5/9-128.1) (from Ch. 108 1/2, par. 9-128.1)

7 Sec. 9-128.1. Annuities for members of the County Police  
8 Department and the County Department of Corrections.

9 (a) In lieu of the regular or minimum annuity or annuities  
10 for any deputy sheriff who is a member of a County Police  
11 Department, he may, upon withdrawal from service after not less  
12 than 20 years of service in the position of deputy sheriff as  
13 defined below, upon or after attainment of age 55, receive a  
14 total annuity equal to 2% for each year of service based upon  
15 his highest average annual salary for any 4 consecutive years  
16 within the last 10 years of service immediately preceding the  
17 date of withdrawal from service, subject to a maximum annuity  
18 equal to 75% of such average annual salary.

19 (b) Any deputy sheriff who withdraws from the service after  
20 July 1, 1979, after having attained age 53 in the service with  
21 23 or more years of service credit shall be entitled to an  
22 annuity computed as follows if such annuity is greater than  
23 that provided in the foregoing paragraphs of this Section  
24 9-128.1: An annuity equal to 50% of the average salary for the  
25 4 highest consecutive years of the last 10 years of service  
26 plus additional annuity equal to 2% of such average salary for  
27 each completed year of service or fraction thereof rendered  
28 after his attainment of age 53 and the completion of 23 years  
29 of service, plus an additional annuity equal to 1% of such  
30 average salary for each completed year of service or fraction  
31 thereof in excess of 23 years up to age 53.

32 (c) Any deputy sheriff who withdraws from the service after

1 December 31, 1987 and any corrections officer with the County  
2 Department of Corrections who withdraws from service after  
3 December 31, 2004 with a total of 20 or more years of service  
4 credit, shall be entitled, upon attainment of age 50, to an  
5 annuity computed as follows if such annuity is greater than  
6 that provided in the foregoing paragraphs of this Section  
7 9-128.1: An annuity equal to 50% of the average salary for the  
8 4 highest consecutive years of the last 10 years of service,  
9 plus additional annuity equal to 2% of such average salary for  
10 each completed year of service or fraction thereof in excess of  
11 20 years.

12 (d) A deputy sheriff who reaches compulsory retirement age  
13 and a corrections officer with the County Department of  
14 Corrections who reaches compulsory retirement age after  
15 December 31, 2004 who has less than 23 years of combined  
16 service shall be entitled to a minimum annuity equal to an  
17 amount determined by the product of (1) his years of service  
18 and (2) 2% of his average salary for the 4 consecutive highest  
19 years of salary within the last 10 years of service immediately  
20 prior to his reaching compulsory retirement age.

21 (e) Any deputy sheriff who retires after January 1, 1984  
22 and any corrections officer with the County Department of  
23 Corrections who retires after December 31, 2004 who elects to  
24 receive an annuity under this Section, and who has credits  
25 under this Article for service not as a deputy sheriff or a  
26 corrections officer with the County Department of Corrections,  
27 shall be entitled to receive, in addition to the amount of  
28 annuity otherwise provided under this Section, an additional  
29 amount of annuity provided from the totals accumulated to his  
30 credit for prior service and age and service annuities for such  
31 service not as a deputy sheriff.

32 (f) The term "deputy sheriff" means an employee charged  
33 with the duty of law enforcement as a deputy sheriff as  
34 specified in Section 1 of "An Act in relation to County Police  
35 Departments in certain Counties, creating a County Police  
36 Department Merit Board and defining its powers and duties",

1 approved August 5, 1963, who rendered service in such position  
2 before and after such date.

3 The terms "deputy sheriff" and "member of a County Police  
4 Department" shall also include an elected sheriff of the county  
5 who has elected to become a contributor and who has submitted  
6 to the board his written election to be included within the  
7 provisions of this Section. With respect to any such sheriff,  
8 service as the elected sheriff of the county shall be deemed to  
9 be service in the position of deputy sheriff for the purposes  
10 of this Section provided that the employee contributions  
11 therefor are made at the rate prescribed for members of the  
12 County Police Department. A sheriff electing to be included  
13 under this Section may also elect to have his service as  
14 sheriff of the county before the date of such election included  
15 as service as a deputy sheriff for the purposes of this  
16 Section, by making an additional contribution for each year of  
17 such service, equal to the difference between the amount he  
18 would have contributed to the Fund during such year had he been  
19 contributing at the rate then in effect for members of the  
20 County Police Department and the amount actually contributed,  
21 plus interest thereon at the rate of 6% per annum from the end  
22 of such year to the date of payment.

23 (g) In no case shall an annual annuity provided in this  
24 Section 9-128.1 exceed 80% of the average annual salary for any  
25 4 consecutive years within the last 10 years of service  
26 immediately preceding the date of withdrawal from service.

27 A deputy sheriff may in addition, be entitled to the  
28 benefits provided by Section 9-133 or 9-133.1 if he so  
29 qualifies under such Sections.

30 (h) A deputy sheriff may elect, between January 1 and  
31 January 15, 1983, to transfer his creditable service as a  
32 member of the State Employees' Retirement System of Illinois to  
33 any Fund established under this Article of which he is a  
34 member, and such transferred creditable service shall be  
35 included as service for the purpose of calculating his benefits  
36 under this Article to the extent that the payment specified in

1 Section 14-105.3 has been received by such Fund.

2 (i) An active deputy sheriff who has at least 15 years of  
3 service credit in that capacity may elect to have any or all of  
4 his credits under this Article for service not as a deputy  
5 sheriff deemed to be credits for service as a deputy sheriff,  
6 by filing a written election with the Board, accompanied by  
7 payment of an amount to be determined by the Board, equal to  
8 (1) the difference between the amount of employee contributions  
9 actually contributed by the applicant for such service not as a  
10 deputy sheriff, and the amounts that would have been  
11 contributed had such contributions been made at the rates  
12 applicable to service as a deputy sheriff, plus (2) interest  
13 thereon at the rate of 3% per annum, compounded annually, from  
14 the date of service to the date of payment.

15 (j) Beginning on the effective date of this amendatory Act  
16 of 1996, the terms "deputy sheriff" and "member of a County  
17 Police Department" shall also include any chief of the County  
18 Police Department or undersheriff of the County Sheriff's  
19 Department who has submitted to the board his or her written  
20 election to be included within the provisions of this Section.  
21 With respect to any such police chief or undersheriff, service  
22 as a chief of the County Police Department or an undersheriff  
23 of the County Sheriff's Department shall be deemed to be  
24 service in the position of deputy sheriff for the purposes of  
25 this Section, provided that the employee contributions  
26 therefor are made at the rate prescribed for members of the  
27 County Police Department.

28 A chief of the County Police Department or undersheriff of  
29 the County Sheriff's Department electing to be included under  
30 this Section may also elect to have his or her service as chief  
31 of the County Police Department or undersheriff of the County  
32 Sheriff's Department before the date of the election included  
33 as service as a deputy sheriff for the purposes of this  
34 Section, by making an additional contribution for each year of  
35 such service, equal to the difference between the amount that  
36 he or she would have contributed to the Fund during that year

1 at the rate then in effect for members of the County Police  
2 Department and the amount actually contributed, plus interest  
3 thereon at the rate of 6% per year, compounded annually, from  
4 the end of that year to the date of payment.

5 A chief of the County Police Department or undersheriff of  
6 the County Sheriff's Department who has elected to be included  
7 within the provisions of this Section may transfer to this Fund  
8 credits and creditable service accumulated under any pension  
9 fund or retirement system established under Article 3, 7, 8,  
10 14, or 15, upon payment to the Fund of (1) the amount by which  
11 the employee contributions that would have been required if he  
12 or she had participated in this Fund during the period for  
13 which credit is being transferred, plus interest, plus an equal  
14 amount for employer contributions, exceeds the amounts  
15 actually transferred from that other fund or system to this  
16 Fund, plus (2) interest thereon at 6% per year, compounded  
17 annually, from the date of transfer to the date of payment.

18 A chief of the County Police Department or undersheriff of  
19 the County Sheriff's Department may purchase credits and  
20 creditable service for up to 2 years of public employment  
21 rendered to an out-of-state public agency. Payment for that  
22 service shall be at the applicable rates in effect for employee  
23 and employer contributions during the period for which credit  
24 is being purchased, plus interest at the rate of 6% per year,  
25 compounded annually, from the date of service until the date of  
26 payment.

27 (k) The changes made to this Section by this amendatory Act  
28 of the 94th General Assembly apply without regard to whether  
29 the member was in service on or after its effective date. Any  
30 increase attributable to the additional service allowable  
31 under this amendatory Act of the 94th General Assembly shall be  
32 included in the calculation of automatic annual increases  
33 accruing after the effective date of the recalculation.

34 (Source: P.A. 89-643, eff. 8-9-96.)

35 Section 90. The State Mandates Act is amended by adding

1 Section 8.29 as follows:

2 (30 ILCS 805/8.29 new)

3 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8  
4 of this Act, no reimbursement by the State is required for the  
5 implementation of any mandate created by this amendatory Act of  
6 the 94th General Assembly.

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.