



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5158

by Rep. Jay C. Hoffman

SYNOPSIS AS INTRODUCED:

40 ILCS 5/3-120

from Ch. 108 1/2, par. 3-120

30 ILCS 805/8.32 new

Amends the Downstate Police Article of the Illinois Pension Code. Allows payment of a survivor's pension to the surviving spouse and children of a marriage occurring after retirement, if the surviving spouse and the deceased police officer were married for at least one year immediately preceding the date of death. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB095 18253 AMC 44337 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT in relation to 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 3-120 as follows:

6 (40 ILCS 5/3-120) (from Ch. 108 1/2, par. 3-120)

7 Sec. 3-120. Marriage after retirement.

8 (a) If a police officer marries subsequent to retirement on
9 any pension under this Article other than a pension established
10 under Section 3-109.3, the surviving spouse and the children of
11 such surviving spouse shall receive no pension on the death of
12 the officer, except as provided in subsection (b) or (c).

13 (b) Notwithstanding Section 1-103.1 of this Code, this
14 Section shall not be deemed to disqualify from receiving a
15 survivor's pension the surviving spouse and children of any
16 police officer who (i) retired from service in 1973, married
17 the surviving spouse during 1974, and died in 1988, or (ii)
18 retired on disability in October of 1982, married the surviving
19 spouse during 1991, and died in 1992. In the case of a person
20 who becomes eligible for a benefit under this subsection (b),
21 the benefit shall begin to accrue on July 1, 1990 or July 1 of
22 the year following the police officer's death, whichever is
23 later.

1 (c) Beginning January 1, 2009, this Section does not
2 disqualify the surviving spouse and children of a police
3 officer from receiving a survivor's pension if the surviving
4 spouse was married to the police officer for at least one year
5 immediately preceding the officer's death. This subsection
6 applies without regard to whether the deceased police officer
7 was in service on or after the effective date of this
8 amendatory Act of the 95th General Assembly. In the case of a
9 person who becomes eligible for a survivor's pension under this
10 subsection because of the death of a police officer who died
11 before that effective date, the pension shall begin to accrue
12 on the first day of the month following the month in which an
13 application for that pension is received by the Board, but in
14 no event sooner than January 1, 2009, and in no event before
15 the repayment, with interest, of any refund of contributions
16 previously received from the fund.

17 (Source: P.A. 91-939, eff. 2-1-01.)

18 Section 90. The State Mandates Act is amended by adding
19 Section 8.32 as follows:

20 (30 ILCS 805/8.32 new)

21 Sec. 8.32. Exempt mandate. Notwithstanding Sections 6 and 8
22 of this Act, no reimbursement by the State is required for the
23 implementation of any mandate created by this amendatory Act of
24 the 95th General Assembly.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.