



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5101

Introduced 1/29/2010, by Rep. Jim Sacia

SYNOPSIS AS INTRODUCED:

40 ILCS 5/3-106	from Ch. 108 1/2, par. 3-106
40 ILCS 5/3-110.11 new	
40 ILCS 5/7-139.14 new	
40 ILCS 5/14-110	from Ch. 108 1/2, par. 14-110
40 ILCS 5/14-152.1	
30 ILCS 805/8.34 new	

Amends the Downstate Police Article of the Illinois Pension Code. Provides that, beginning on the effective date of this amendatory Act, "police officer" or "officer" includes any person who is employed as a police dispatcher. Allows a police dispatcher to transfer creditable service under the Illinois Municipal Retirement Fund Article to his or her pension fund under the Downstate Police Article. Amends the State Employee Article of the Illinois Pension Code. Allows an investigator for the Secretary of State to elect to establish eligible creditable service for up to 5 years of service as a police officer under the Downstate Police Article or Illinois Municipal Retirement Fund Article. Exempts the changes from new benefit increase provisions. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB096 17437 AMC 32793 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 Sections 3-106, 14-110, and 14-152.1 and by adding Sections
6 3-110.11 and 7-139.14 as follows:

7 (40 ILCS 5/3-106) (from Ch. 108 1/2, par. 3-106)

8 Sec. 3-106. Police officer, officer. "Police officer" or
9 "officer": Any person who (1) is appointed to the police force
10 of a police department and sworn and commissioned to perform
11 police duties; and (2) within 3 months after receiving his or
12 her first appointment and, if reappointed, within 3 months
13 thereafter, or as otherwise provided in Section 3-109, makes
14 written application to the board to come under the provisions
15 of this Article.

16 Beginning on the effective date of this amendatory Act of
17 the 96th General Assembly, "police officer" or "officer"
18 includes any person who is employed as a police dispatcher.

19 Police officers serving initial probationary periods, if
20 otherwise eligible, shall be police officers within the meaning
21 of this Section.

22 (Source: P.A. 89-52, eff. 6-30-95.)

1 (40 ILCS 5/3-110.11 new)

2 Sec. 3-110.11. Transfer from IMRF. Until January 1, 2011, a
3 police dispatcher may transfer to a fund established under this
4 Article all or any portion of his or her creditable service
5 accumulated under Article 7 of this Code upon payment to the
6 fund of an amount to be determined by the board, equal to (i)
7 the difference between the amount of employee and employer
8 contributions transferred to the fund under Section 7-139.13
9 and the amounts that would have been contributed had such
10 contributions been made at the rates applicable to an employee
11 under this Article, plus (ii) interest thereon at the effective
12 rate for each year, compounded annually, from the date of
13 service to the date of payment.

14 (40 ILCS 5/7-139.14 new)

15 Sec. 7-139.14. Transfer to Article 3 fund.

16 (a) Until January 1, 2011, a police dispatcher who has
17 creditable service under this Article and who has become an
18 active participant in a police pension fund established under
19 Article 3 of this Code may apply for transfer to that Article 3
20 fund of all or any portion of his or her creditable service
21 accumulated under this Article. At the time of the transfer the
22 Fund shall pay to the police pension fund an amount equal to:

23 (1) the amounts accumulated to the credit of the
24 applicant under this Article, including interest;

25 (2) the municipality credits based on that service,

1 including interest; and

2 (3) any interest paid by the applicant in order to
3 reinstate that service.

4 Participation in this Fund with respect to the transferred
5 credits shall terminate on the date of transfer.

6 (b) A police dispatcher who is an active member of a
7 pension fund established under Article 3 of this Code may
8 reinstate creditable service under this Article that was
9 terminated by receipt of a refund by paying to the Fund the
10 amount of the refund plus interest thereon at the rate of 6%
11 per year, compounded annually, from the date of refund to the
12 date of payment.

13 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)

14 Sec. 14-110. Alternative retirement annuity.

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

24 (i) for periods of service as a noncovered employee: if
25 retirement occurs on or after January 1, 2001, 3% of final

1 average compensation for each year of creditable service;
2 if retirement occurs before January 1, 2001, 2 1/4% of
3 final average compensation for each of the first 10 years
4 of creditable service, 2 1/2% for each year above 10 years
5 to and including 20 years of creditable service, and 2 3/4%
6 for each year of creditable service above 20 years; and

7 (ii) for periods of eligible creditable service as a
8 covered employee: if retirement occurs on or after January
9 1, 2001, 2.5% of final average compensation for each year
10 of creditable service; if retirement occurs before January
11 1, 2001, 1.67% of final average compensation for each of
12 the first 10 years of such service, 1.90% for each of the
13 next 10 years of such service, 2.10% for each year of such
14 service in excess of 20 but not exceeding 30, and 2.30% for
15 each year in excess of 30.

16 Such annuity shall be subject to a maximum of 75% of final
17 average compensation if retirement occurs before January 1,
18 2001 or to a maximum of 80% of final average compensation if
19 retirement occurs on or after January 1, 2001.

20 These rates shall not be applicable to any service
21 performed by a member as a covered employee which is not
22 eligible creditable service. Service as a covered employee
23 which is not eligible creditable service shall be subject to
24 the rates and provisions of Section 14-108.

25 (b) For the purpose of this Section, "eligible creditable
26 service" means creditable service resulting from service in one

1 or more of the following positions:

2 (1) State policeman;

3 (2) fire fighter in the fire protection service of a
4 department;

5 (3) air pilot;

6 (4) special agent;

7 (5) investigator for the Secretary of State;

8 (6) conservation police officer;

9 (7) investigator for the Department of Revenue or the
10 Illinois Gaming Board;

11 (8) security employee of the Department of Human
12 Services;

13 (9) Central Management Services security police
14 officer;

15 (10) security employee of the Department of
16 Corrections or the Department of Juvenile Justice;

17 (11) dangerous drugs investigator;

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

19 (13) investigator for the Office of the Attorney
20 General;

21 (14) controlled substance inspector;

22 (15) investigator for the Office of the State's
23 Attorneys Appellate Prosecutor;

24 (16) Commerce Commission police officer;

25 (17) arson investigator;

26 (18) State highway maintenance worker.

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

11 (c) For the purposes of this Section:

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

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

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

1 noncovered employee who was an "air pilot" for the purposes
2 of this Section on January 1, 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, or any
8 other Division or organizational entity in the Department
9 of State Police is vested by law with duties to maintain
10 public order, investigate violations of the criminal law of
11 this State, enforce the laws of this State, make arrests
12 and recover property. The term "special agent" includes any
13 title or position in the Department of State Police that is
14 held by an individual employed under the State Police Act.

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

21 A person who became employed as an investigator for the
22 Secretary of State between January 1, 1967 and December 31,
23 1975, and who has served as such until attainment of age
24 60, either continuously or with a single break in service
25 of not more than 3 years duration, which break terminated
26 before January 1, 1976, shall be entitled to have his

1 retirement annuity calculated in accordance with
2 subsection (a), notwithstanding that he has less than 20
3 years of credit for such service.

4 (6) The term "Conservation Police Officer" means any
5 person employed by the Division of Law Enforcement of the
6 Department of Natural Resources and 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. The
10 term "Conservation Police Officer" includes the positions
11 of Chief Conservation Police Administrator and Assistant
12 Conservation Police Administrator.

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

19 The term "investigator for the Illinois Gaming Board"
20 means any person employed as such by the Illinois Gaming
21 Board and vested with such peace officer 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.

25 (8) The term "security employee of the Department of
26 Human Services" means any person employed by the Department

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

25 The changes made to this subdivision (c)(8) by Public
26 Act 92-14 apply to persons who retire on or after January

1 1, 2001, notwithstanding Section 1-103.1.

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

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

1 unit, (v) a member of the sort team, or (vi) an
2 investigator.

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

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

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

23 (14) "Controlled substance inspector" means any person
24 who is employed as such by the Department of Professional
25 Regulation and is vested with such law enforcement duties
26 as render him ineligible for coverage under the Social

1 Security Act by reason of Sections 218(d)(5)(A),
2 218(d)(8)(D) and 218(1)(1) of that Act. The term
3 "controlled substance inspector" includes the Program
4 Executive of Enforcement and the Assistant Program
5 Executive of Enforcement.

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

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

17 (17) "Arson investigator" means any person who is
18 employed as such by the Office of the State Fire Marshal
19 and is vested with such law enforcement duties as render
20 the person ineligible for coverage under the Social
21 Security Act by reason of Sections 218(d)(5)(A),
22 218(d)(8)(D), and 218(1)(1) of that Act. A person who was
23 employed as an arson investigator on January 1, 1995 and is
24 no longer in service but not yet receiving a retirement
25 annuity may convert his or her creditable service for
26 employment as an arson investigator into eligible

1 creditable service by paying to the System the difference
2 between the employee contributions actually paid for that
3 service and the amounts that would have been contributed if
4 the applicant were contributing at the rate applicable to
5 persons with the same social security status earning
6 eligible creditable service on the date of application.

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

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

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

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

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

13 (i) 25 years of eligible creditable service and age 55;

14 or

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

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

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

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

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

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

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

21 (f) For purposes of calculating retirement annuities under
22 this Section, periods of service rendered after December 31,
23 1968 and before October 1, 1975 as a covered employee in the
24 position of special agent, conservation police officer, mental
25 health police officer, or investigator for the Secretary of
26 State, shall be deemed to have been service as a noncovered

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

8 For purposes of calculating retirement annuities under
9 this Section, periods of service rendered after December 31,
10 1968 and before January 1, 1982 as a covered employee in the
11 position of investigator for the Department of Revenue shall be
12 deemed to have been service as a noncovered employee, provided
13 that the employee pays to the System prior to retirement an
14 amount equal to (1) the difference between the employee
15 contributions that would have been required for such service as
16 a noncovered employee, and the amount of employee contributions
17 actually paid, plus (2) if payment is made after January 1,
18 1990, regular interest on the amount specified in item (1) from
19 the date of service to the date of payment.

20 (g) A State policeman may elect, not later than January 1,
21 1990, to establish eligible creditable service for up to 10
22 years of his service as a policeman under Article 3, by filing
23 a written election with the Board, accompanied by payment of an
24 amount to be determined by the Board, equal to (i) the
25 difference between the amount of employee and employer
26 contributions transferred to the System under Section 3-110.5,

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

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

19 (h) Subject to the limitation in subsection (i), a State
20 policeman or investigator for the Secretary of State may elect
21 to establish eligible creditable service for up to 12 years of
22 his service as a policeman under Article 5, by filing a written
23 election with the Board on or before January 31, 1992, and
24 paying to the System by January 31, 1994 an amount to be
25 determined by the Board, equal to (i) the difference between
26 the amount of employee and employer contributions transferred

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

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

20 Subject to the limitation in subsection (i), a State
21 policeman, conservation police officer, or investigator for
22 the Secretary of State may elect to establish eligible
23 creditable service for up to 5 years of service as a police
24 officer under Article 3, a policeman under Article 5, a
25 sheriff's law enforcement employee under Article 7, a member of
26 the county police department under Article 9, or a police

1 officer under Article 15 by filing a written election with the
2 Board and paying to the System an amount to be determined by
3 the Board, equal to (i) the difference between the amount of
4 employee and employer contributions transferred to the System
5 under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4
6 and the amounts that would have been contributed had such
7 contributions been made at the rates applicable to State
8 policemen, plus (ii) interest thereon at the effective rate for
9 each year, compounded annually, from the date of service to the
10 date of payment.

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

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

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

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

1 police officer under Article 3 or Article 7 if he or she has
2 not otherwise established credit for that service under this
3 subsection (h) or any other provision of this Code by filing a
4 written election with the Board within 6 months after the
5 effective date of this amendatory Act of the 96th General
6 Assembly and paying to the System an amount determined by the
7 Board to be equal to the amount of employee and employer
8 contributions that would have been contributed had such
9 contributions been made at the rates applicable to State
10 policemen, plus interest thereon at the effective rate for each
11 year, compounded annually, from the date of service to the date
12 of payment.

13 (i) The total amount of eligible creditable service
14 established by any person under subsections (g), (h), (j), (k),
15 and (l) of this Section shall not exceed 12 years.

16 (j) Subject to the limitation in subsection (i), an
17 investigator for the Office of the State's Attorneys Appellate
18 Prosecutor or a controlled substance inspector may elect to
19 establish eligible creditable service for up to 10 years of his
20 service as a policeman under Article 3 or a sheriff's law
21 enforcement employee under Article 7, by filing a written
22 election with the Board, accompanied by payment of an amount to
23 be determined by the Board, equal to (1) the difference between
24 the amount of employee and employer contributions transferred
25 to the System under Section 3-110.6 or 7-139.8, and the amounts
26 that would have been contributed had such contributions been

1 made at the rates applicable to State policemen, plus (2)
2 interest thereon at the effective rate for each year,
3 compounded annually, from the date of service to the date of
4 payment.

5 (k) Subject to the limitation in subsection (i) of this
6 Section, an alternative formula employee may elect to establish
7 eligible creditable service for periods spent as a full-time
8 law enforcement officer or full-time corrections officer
9 employed by the federal government or by a state or local
10 government located outside of Illinois, for which credit is not
11 held in any other public employee pension fund or retirement
12 system. To obtain this credit, the applicant must file a
13 written application with the Board by March 31, 1998,
14 accompanied by evidence of eligibility acceptable to the Board
15 and payment of an amount to be determined by the Board, equal
16 to (1) employee contributions for the credit being established,
17 based upon the applicant's salary on the first day as an
18 alternative formula employee after the employment for which
19 credit is being established and the rates then applicable to
20 alternative formula employees, plus (2) an amount determined by
21 the Board to be the employer's normal cost of the benefits
22 accrued for the credit being established, plus (3) regular
23 interest on the amounts in items (1) and (2) from the first day
24 as an alternative formula employee after the employment for
25 which credit is being established to the date of payment.

26 (l) Subject to the limitation in subsection (i), a security

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

14 (m) The amendatory changes to this Section made by this
15 amendatory Act of the 94th General Assembly apply only to: (1)
16 security employees of the Department of Juvenile Justice
17 employed by the Department of Corrections before the effective
18 date of this amendatory Act of the 94th General Assembly and
19 transferred to the Department of Juvenile Justice by this
20 amendatory Act of the 94th General Assembly; and (2) persons
21 employed by the Department of Juvenile Justice on or after the
22 effective date of this amendatory Act of the 94th General
23 Assembly who are required by subsection (b) of Section 3-2.5-15
24 of the Unified Code of Corrections to have a bachelor's or
25 advanced degree from an accredited college or university with a
26 specialization in criminal justice, education, psychology,

1 social work, or a closely related social science or, in the
2 case of persons who provide vocational training, who are
3 required to have adequate knowledge in the skill for which they
4 are providing the vocational training.

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

16 (Source: P.A. 95-530, eff. 8-28-07; 95-1036, eff. 2-17-09;
17 96-37, eff. 7-13-09; 96-745, eff. 8-25-09; revised 10-1-09.)

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 this Article by Public Act 96-37 or this
4 amendatory Act of the 96th General Assembly ~~this amendatory Act~~
5 ~~of the 96th General Assembly~~.

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

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

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

1 to the Governor and the State Comptroller and, in the absence
2 of corrective action by the General Assembly, the new benefit
3 increase shall expire at the end of the fiscal year in which
4 the certification is made.

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

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

21 (Source: P.A. 96-37, eff. 7-13-09.)

22 Section 90. The State Mandates Act is amended by adding
23 Section 8.34 as follows:

24 (30 ILCS 805/8.34 new)

1 Sec. 8.34. Exempt mandate. Notwithstanding Sections 6 and 8
2 of this Act, no reimbursement by the State is required for the
3 implementation of any mandate created by this amendatory Act of
4 the 96th General Assembly.

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.