



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB6619

by Rep. Kevin A. McCarthy

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/3-120

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

30 ILCS 805/8.34 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.

LRB096 18715 AMC 34099 b

FISCAL NOTE ACT  
MAY APPLY

PENSION IMPACT  
NOTE ACT MAY  
APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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, 2011, 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 10 years  
5       immediately preceding the officer's death. This survivor's  
6       pension should be calculated at 50% of the original pension,  
7       and will not be subject to cost of living adjustments. This  
8       subsection applies without regard to whether the deceased  
9       police officer was in service on or after the effective date of  
10       this amendatory Act of the 96th General Assembly. In the case  
11       of a person who becomes eligible for a survivor's pension under  
12       this subsection because of the death of a police officer who  
13       died before that effective date, the pension shall begin to  
14       accrue on the first day of the month following the month in  
15       which an application for that pension is received by the Board,  
16       but in no event sooner than January 1, 2011, and in no event  
17       before the repayment, with interest, of any refund of  
18       contributions previously received from the fund.

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

20       Section 90. The State Mandates Act is amended by adding  
21       Section 8.34 as follows:

22       (30 ILCS 805/8.34 new)

23       Sec. 8.34. Exempt mandate. Notwithstanding Sections 6 and 8  
24       of this Act, no reimbursement by the State is required for the

1 implementation of any mandate created by this amendatory Act of  
2 the 96th General Assembly.

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.