



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5936

by Rep. Grant Wehrli

SYNOPSIS AS INTRODUCED:

40 ILCS 5/3-124.1
40 ILCS 5/4-117

from Ch. 108 1/2, par. 3-124.1
from Ch. 108 1/2, par. 4-117

Amends the Downstate Police and Downstate Firefighter Articles of the Illinois Pension Code. Provides that if a person who is receiving a pension re-enters active service with the same municipality, including a police chief who elects to participate in the Illinois Municipal Retirement Fund, or becomes a full-time employee in the same municipality, his or her pension payment shall be suspended while he or she is in active service or is employed by that municipality. In the Downstate Firefighter Article, provides that if the firefighter again retires and was in active service for 5 or more years (instead of 3 or more years), his or her monthly pension shall be based on the salary attached to the firefighter's rank at the date of last retirement. Effective immediately.

LRB099 16155 RPS 40481 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 changing
5 Sections 3-124.1 and 4-117 as follows:

6 (40 ILCS 5/3-124.1) (from Ch. 108 1/2, par. 3-124.1)

7 Sec. 3-124.1. Re-entry into active service. If a police
8 officer who is receiving pension payments other than as
9 provided in Section 3-109.3 re-enters active service in the
10 same municipality, including under the provisions of
11 subsection (a) of Section 3-109.1, or becomes a full-time
12 employee in the same municipality, pension payment shall be
13 suspended while he or she is in service or is employed by that
14 municipality. When he or she again retires, pension payments
15 shall be resumed. If the police officer remains in service
16 after re-entry for a period of less than 5 years, the pension
17 shall be the same as upon first retirement. If the officer's
18 service after re-entry is at least 5 years and the officer
19 makes the required contributions during the period of re-entry,
20 his or her pension shall be recomputed by taking into account
21 the additional period of service and salary.

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

1 (40 ILCS 5/4-117) (from Ch. 108 1/2, par. 4-117)

2 Sec. 4-117. Reentry into active service. (a) If a
3 firefighter receiving pension payments reenters active service
4 in the same municipality or becomes a full-time employee in the
5 same municipality, pension payments shall be suspended while he
6 or she is in service or is employed by that municipality. If
7 the firefighter again retires or is discharged, his or her
8 monthly pension shall be resumed in the same amount as was paid
9 upon first retirement or discharge unless he or she remained in
10 active service 5 ~~3~~ or more years after re-entry in which case
11 the monthly pension shall be based on the salary attached to
12 the firefighter's rank at the date of last retirement.

13 (b) If a deferred pensioner re-enters active service, and
14 again retires or is discharged from the fire service, his or
15 her pension shall be based on the salary attached to the rank
16 held in the fire service at the date of earlier retirement,
17 unless the firefighter remains in active service for 5 ~~3~~ or
18 more years after re-entry, in which case the monthly pension
19 shall be based on the salary attached to the firefighter's rank
20 at the date of last retirement.

21 (c) If a pensioner or deferred pensioner re-enters or is
22 recalled to active service and is thereafter injured, and the
23 injury is not related to an injury for which he or she was
24 previously receiving a disability pension, the 5-year ~~3-year~~
25 service requirement shall not apply in order for the
26 firefighter to qualify for the increased pension based on the

1 rate of pay at the time of the new injury.

2 (Source: P.A. 83-1440.)

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