



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB6602

by Rep. David McSweeney

SYNOPSIS AS INTRODUCED:

40 ILCS 5/2-156	from Ch. 108 1/2, par. 2-156
40 ILCS 5/3-147	from Ch. 108 1/2, par. 3-147
40 ILCS 5/4-138	from Ch. 108 1/2, par. 4-138
40 ILCS 5/5-227	from Ch. 108 1/2, par. 5-227
40 ILCS 5/6-221	from Ch. 108 1/2, par. 6-221
40 ILCS 5/7-219	from Ch. 108 1/2, par. 7-219
40 ILCS 5/8-251	from Ch. 108 1/2, par. 8-251
40 ILCS 5/9-235	from Ch. 108 1/2, par. 9-235
40 ILCS 5/10-109	
40 ILCS 5/11-230	from Ch. 108 1/2, par. 11-230
40 ILCS 5/12-191	from Ch. 108 1/2, par. 12-191
40 ILCS 5/13-807	from Ch. 108 1/2, par. 13-807
40 ILCS 5/14-149	from Ch. 108 1/2, par. 14-149
40 ILCS 5/15-187	from Ch. 108 1/2, par. 15-187
40 ILCS 5/16-199	from Ch. 108 1/2, par. 16-199
40 ILCS 5/17-149.1	from Ch. 108 1/2, par. 17-149.1
40 ILCS 5/18-163	from Ch. 108 1/2, par. 18-163

Amends the Illinois Pension Code. Provides for the forfeiture of benefits for any person who otherwise would receive a survivor benefit who is convicted of any felony relating to or arising out of or in connection with the service of the member from whom the benefit results. Provides that all participants entering service after the effective date of the amendatory Act shall be deemed to have consented to that provision. Provides that the changes under the amendatory Act shall not impair any contract or vested right acquired by a survivor before the effective date of the amendatory Act. Effective immediately.

LRB099 23055 RPS 50503 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 2-156, 3-147, 4-138, 5-227, 6-221, 7-219, 8-251,
6 9-235, 10-109, 11-230, 12-191, 13-807, 14-149, 15-187, 16-199,
7 17-149.1, and 18-163 as follows:

8 (40 ILCS 5/2-156) (from Ch. 108 1/2, par. 2-156)

9 Sec. 2-156. Felony conviction. None of the benefits herein
10 provided for shall be paid to any person who is convicted of
11 any felony relating to or arising out of or in connection with
12 his or her service as a member.

13 None of the benefits provided for in this Article shall be
14 paid to any person who otherwise would receive a survivor
15 benefit who is convicted of any felony relating to or arising
16 out of or in connection with the service of the member from
17 whom the benefit results.

18 This Section shall not operate to impair any contract or
19 vested right acquired prior to July 11, 1955 under any law or
20 laws continued in this Article, nor to preclude the right to a
21 refund, and for the changes under this amendatory Act of the
22 99th General Assembly, shall not impair any contract or vested
23 right acquired by a survivor prior to the effective date of

1 this amendatory Act of the 99th General Assembly.

2 All participants entering service subsequent to July 11,
3 1955 shall be deemed to have consented to the provisions of
4 this Section as a condition of participation, and all
5 participants entering service subsequent to the effective date
6 of this amendatory Act of the 99th General Assembly shall be
7 deemed to have consented to the provisions of this amendatory
8 Act as a condition of participation.

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

10 (40 ILCS 5/3-147) (from Ch. 108 1/2, par. 3-147)

11 Sec. 3-147. Felony conviction. None of the benefits
12 provided in this Article shall be paid to any person who is
13 convicted of any felony relating to or arising out of or in
14 connection with his or her service as a police officer.

15 None of the benefits provided for in this Article shall be
16 paid to any person who otherwise would receive a survivor
17 benefit who is convicted of any felony relating to or arising
18 out of or in connection with the service of the police officer
19 from whom the benefit results.

20 This Section shall not impair any contract or vested right
21 acquired prior to July 11, 1955 under any law continued in this
22 Article, nor preclude the right to a refund, and for the
23 changes under this amendatory Act of the 99th General Assembly,
24 shall not impair any contract or vested right acquired by a
25 survivor prior to the effective date of this amendatory Act of

1 the 99th General Assembly.

2 All persons entering service subsequent to July 11, 1955
3 are deemed to have consented to the provisions of this Section
4 as a condition of coverage, and all participants entering
5 service subsequent to the effective date of this amendatory Act
6 of the 99th General Assembly shall be deemed to have consented
7 to the provisions of this amendatory Act as a condition of
8 participation.

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

10 (40 ILCS 5/4-138) (from Ch. 108 1/2, par. 4-138)

11 Sec. 4-138. Felony conviction. None of the benefits
12 provided under this Article shall be paid to any person who is
13 convicted of any felony relating to or arising out of or in
14 connection with service as a firefighter.

15 None of the benefits provided for in this Article shall be
16 paid to any person who otherwise would receive a survivor
17 benefit who is convicted of any felony relating to or arising
18 out of or in connection with the service of the firefighter
19 from whom the benefit results.

20 This Section shall not impair any contract or vested right
21 acquired prior to July 11, 1955 under any law continued in this
22 Article, nor preclude the right to a refund, and for the
23 changes under this amendatory Act of the 99th General Assembly,
24 shall not impair any contract or vested right acquired by a
25 survivor prior to the effective date of this amendatory Act of

1 the 99th General Assembly.

2 All persons entering service subsequent to July 11, 1955,
3 are deemed to have consented to the provisions of this Section
4 as a condition of coverage, and all participants entering
5 service subsequent to the effective date of this amendatory Act
6 of the 99th General Assembly shall be deemed to have consented
7 to the provisions of this amendatory Act as a condition of
8 participation.

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

10 (40 ILCS 5/5-227) (from Ch. 108 1/2, par. 5-227)

11 Sec. 5-227. Felony conviction. None of the benefits
12 provided for in this Article shall be paid to any person who is
13 convicted of any felony relating to or arising out of or in
14 connection with his service as a policeman.

15 None of the benefits provided for in this Article shall be
16 paid to any person who otherwise would receive a survivor
17 benefit who is convicted of any felony relating to or arising
18 out of or in connection with the service of the policeman from
19 whom the benefit results.

20 None of the benefits provided for in this Article shall be
21 paid to any person who is convicted of any felony while in
22 receipt of disability benefits.

23 None of the benefits provided for in this Article shall be
24 paid to any person who is convicted of any felony relating to
25 or arising out of or in connection with the intentional and

1 wrongful death of a police officer, either active or retired,
2 through whom such person would become eligible to receive, or
3 is receiving, an annuity under this Article.

4 This Section shall not operate to impair any contract or
5 vested right heretofore acquired under any law or laws
6 continued in this Article, nor to preclude the right to a
7 refund, and for the changes under this amendatory Act of the
8 99th General Assembly, shall not impair any contract or vested
9 right acquired by a survivor prior to the effective date of
10 this amendatory Act of the 99th General Assembly.

11 All future entrants entering service subsequent to July 11,
12 1955, shall be deemed to have consented to the provisions of
13 this Section as a condition of coverage, and all participants
14 entering service subsequent to the effective date of this
15 amendatory Act of the 99th General Assembly shall be deemed to
16 have consented to the provisions of this amendatory Act as a
17 condition of participation.

18 (Source: P.A. 83-809.)

19 (40 ILCS 5/6-221) (from Ch. 108 1/2, par. 6-221)

20 Sec. 6-221. Felony conviction. None of the benefits
21 provided in this Article shall be paid to any person who is
22 convicted of any felony relating to or arising out of or in
23 connection with his service as a fireman.

24 None of the benefits provided for in this Article shall be
25 paid to any person who otherwise would receive a survivor

1 benefit who is convicted of any felony relating to or arising
2 out of or in connection with the service of the fireman from
3 whom the benefit results.

4 This section shall not operate to impair any contract or
5 vested right heretofore acquired under any law or laws
6 continued in this Article, nor to preclude the right to a
7 refund, and for the changes under this amendatory Act of the
8 99th General Assembly, shall not impair any contract or vested
9 right acquired by a survivor prior to the effective date of
10 this amendatory Act of the 99th General Assembly.

11 All future entrants after July 11, 1955 shall be deemed to
12 have consented to the provisions of this section as a condition
13 of coverage, and all participants entering service subsequent
14 to the effective date of this amendatory Act of the 99th
15 General Assembly shall be deemed to have consented to the
16 provisions of this amendatory Act as a condition of
17 participation.

18 (Source: Laws 1963, p. 161.)

19 (40 ILCS 5/7-219) (from Ch. 108 1/2, par. 7-219)

20 Sec. 7-219. Felony conviction.

21 None of the benefits provided for in this Article shall be
22 paid to any person who is convicted of any felony relating to
23 or arising out of or in connection with his service as an
24 employee.

25 None of the benefits provided for in this Article shall be

1 paid to any person who otherwise would receive a survivor
2 benefit who is convicted of any felony relating to or arising
3 out of or in connection with the service of the employee from
4 whom the benefit results.

5 This Section shall not operate to impair any contract or
6 vested right heretofore acquired under any law or laws
7 continued in this Article, nor to preclude the right to a
8 refund, and for the changes under this amendatory Act of the
9 99th General Assembly, shall not impair any contract or vested
10 right acquired by a survivor prior to the effective date of
11 this amendatory Act of the 99th General Assembly.

12 All future entrants entering service subsequent to July 9,
13 1955 shall be deemed to have consented to the provisions of
14 this Section as a condition of coverage, and all participants
15 entering service subsequent to the effective date of this
16 amendatory Act of the 99th General Assembly shall be deemed to
17 have consented to the provisions of this amendatory Act as a
18 condition of participation.

19 (Source: Laws 1963, p. 161.)

20 (40 ILCS 5/8-251) (from Ch. 108 1/2, par. 8-251)

21 Sec. 8-251. Felony conviction.

22 None of the benefits provided for in this Article shall be
23 paid to any person who is convicted of any felony relating to
24 or arising out of or in connection with his service as a
25 municipal employee.

1 None of the benefits provided for in this Article shall be
2 paid to any person who otherwise would receive a survivor
3 benefit who is convicted of any felony relating to or arising
4 out of or in connection with the service of the employee from
5 whom the benefit results.

6 This section shall not operate to impair any contract or
7 vested right heretofore acquired under any law or laws
8 continued in this Article, nor to preclude the right to a
9 refund, and for the changes under this amendatory Act of the
10 99th General Assembly, shall not impair any contract or vested
11 right acquired by a survivor prior to the effective date of
12 this amendatory Act of the 99th General Assembly.

13 All future entrants entering service subsequent to July 11,
14 1955 shall be deemed to have consented to the provisions of
15 this section as a condition of coverage, and all participants
16 entering service subsequent to the effective date of this
17 amendatory Act of the 99th General Assembly shall be deemed to
18 have consented to the provisions of this amendatory Act as a
19 condition of participation.

20 (Source: Laws 1963, p. 161.)

21 (40 ILCS 5/9-235) (from Ch. 108 1/2, par. 9-235)

22 Sec. 9-235. Felony conviction.

23 None of the benefits provided in this Article shall be paid
24 to any person who is convicted of any felony relating to or
25 arising out of or in connection with his service as an

1 employee.

2 None of the benefits provided for in this Article shall be
3 paid to any person who otherwise would receive a survivor
4 benefit who is convicted of any felony relating to or arising
5 out of or in connection with the service of the employee from
6 whom the benefit results.

7 This section shall not operate to impair any contract or
8 vested right heretofore acquired under any law or laws
9 continued in this Article, nor to preclude the right to a
10 refund, and for the changes under this amendatory Act of the
11 99th General Assembly, shall not impair any contract or vested
12 right acquired by a survivor prior to the effective date of
13 this amendatory Act of the 99th General Assembly.

14 All future entrants entering service after July 11, 1955,
15 shall be deemed to have consented to the provisions of this
16 section as a condition of coverage, and all participants
17 entering service subsequent to the effective date of this
18 amendatory Act of the 99th General Assembly shall be deemed to
19 have consented to the provisions of this amendatory Act as a
20 condition of participation.

21 (Source: Laws 1963, p. 161.)

22 (40 ILCS 5/10-109)

23 Sec. 10-109. Felony conviction. None of the benefits
24 provided in this Article shall be paid to any person who is
25 convicted of any felony relating to or arising out of or in

1 connection with his service as an employee.

2 None of the benefits provided for in this Article shall be
3 paid to any person who otherwise would receive a survivor
4 benefit who is convicted of any felony relating to or arising
5 out of or in connection with the service of the employee from
6 whom the benefit results.

7 This Section shall not operate to impair any contract or
8 vested right heretofore acquired under any law or laws
9 continued in this Article, nor to preclude the right to a
10 refund, and for the changes under this amendatory Act of the
11 99th General Assembly, shall not impair any contract or vested
12 right acquired by a survivor prior to the effective date of
13 this amendatory Act of the 99th General Assembly.

14 All future entrants entering service after the effective
15 date of this amendatory Act of the 95th General Assembly shall
16 be deemed to have consented to the provisions of this Section
17 as a condition of coverage, and all participants entering
18 service subsequent to the effective date of this amendatory Act
19 of the 99th General Assembly shall be deemed to have consented
20 to the provisions of this amendatory Act as a condition of
21 participation.

22 (Source: P.A. 95-1036, eff. 2-17-09.)

23 (40 ILCS 5/11-230) (from Ch. 108 1/2, par. 11-230)

24 Sec. 11-230. Felony conviction.

25 None of the benefits provided in this Article shall be paid

1 to any person who is convicted of any felony relating to or
2 arising out of or in connection with his service as employee.

3 None of the benefits provided for in this Article shall be
4 paid to any person who otherwise would receive a survivor
5 benefit who is convicted of any felony relating to or arising
6 out of or in connection with the service of the employee from
7 whom the benefit results.

8 This section shall not operate to impair any contract or
9 vested right heretofore acquired under any law or laws
10 continued in this Article, nor to preclude the right to a
11 refund, and for the changes under this amendatory Act of the
12 99th General Assembly, shall not impair any contract or vested
13 right acquired by a survivor prior to the effective date of
14 this amendatory Act of the 99th General Assembly.

15 All future entrants entering service after July 11, 1955,
16 shall be deemed to have consented to the provisions of this
17 section as a condition of coverage, and all participants
18 entering service subsequent to the effective date of this
19 amendatory Act of the 99th General Assembly shall be deemed to
20 have consented to the provisions of this amendatory Act as a
21 condition of participation.

22 (Source: Laws 1963, p. 161.)

23 (40 ILCS 5/12-191) (from Ch. 108 1/2, par. 12-191)

24 Sec. 12-191. Felony conviction.

25 None of the benefits provided for in this Article shall be

1 paid to any person who is convicted of any felony relating to
2 or arising out of or in connection with his service as an
3 employee.

4 None of the benefits provided for in this Article shall be
5 paid to any person who otherwise would receive a survivor
6 benefit who is convicted of any felony relating to or arising
7 out of or in connection with the service of the employee from
8 whom the benefit results.

9 This section shall not operate to impair any contract or
10 vested right heretofore acquired under any law or laws
11 continued in this Article, nor to preclude the right to a
12 refund, and for the changes under this amendatory Act of the
13 99th General Assembly, shall not impair any contract or vested
14 right acquired by a survivor prior to the effective date of
15 this amendatory Act of the 99th General Assembly.

16 All future entrants entering service subsequent to July 11,
17 1955 shall be deemed to have consented to the provisions of
18 this section as a condition of coverage, and all participants
19 entering service subsequent to the effective date of this
20 amendatory Act of the 99th General Assembly shall be deemed to
21 have consented to the provisions of this amendatory Act as a
22 condition of participation.

23 (Source: Laws 1963, p. 161.)

24 (40 ILCS 5/13-807) (from Ch. 108 1/2, par. 13-807)

25 Sec. 13-807. Felony conviction. None of the benefits

1 provided in this Article shall be paid to any person who is
2 convicted of any felony relating to or arising out of or in
3 connection with service as an employee.

4 None of the benefits provided for in this Article shall be
5 paid to any person who otherwise would receive a survivor
6 benefit who is convicted of any felony relating to or arising
7 out of or in connection with the service of the employee from
8 whom the benefit results.

9 This section shall not operate to impair any contract or
10 vested right heretofore acquired under any law or laws
11 continued in this Article, nor to preclude the right to a
12 refund, and for the changes under this amendatory Act of the
13 99th General Assembly, shall not impair any contract or vested
14 right acquired by a survivor prior to the effective date of
15 this amendatory Act of the 99th General Assembly.

16 All persons entering service subsequent to July 11, 1955
17 shall be deemed to have consented to the provisions of this
18 Section as a condition of coverage, and all participants
19 entering service subsequent to the effective date of this
20 amendatory Act of the 99th General Assembly shall be deemed to
21 have consented to the provisions of this amendatory Act as a
22 condition of participation.

23 (Source: P.A. 87-794.)

24 (40 ILCS 5/14-149) (from Ch. 108 1/2, par. 14-149)

25 Sec. 14-149. Felony conviction. None of the benefits herein

1 provided for shall be paid to any person who is convicted of
2 any felony relating to or arising out of or in connection with
3 his service as an employee.

4 None of the benefits provided for in this Article shall be
5 paid to any person who otherwise would receive a survivor
6 benefit who is convicted of any felony relating to or arising
7 out of or in connection with the service of the employee from
8 whom the benefit results.

9 This Section shall not operate to impair any contract or
10 vested right heretofore acquired under any law or laws
11 continued in this Article nor to preclude the right to a
12 refund, and for the changes under this amendatory Act of the
13 99th General Assembly, shall not impair any contract or vested
14 right acquired by a survivor prior to the effective date of
15 this amendatory Act of the 99th General Assembly.

16 All future entrants entering service subsequent to July 9,
17 1955 shall be deemed to have consented to the provisions of
18 this section as a condition of coverage, and all participants
19 entering service subsequent to the effective date of this
20 amendatory Act of the 99th General Assembly shall be deemed to
21 have consented to the provisions of this amendatory Act as a
22 condition of participation.

23 (Source: P.A. 80-841.)

24 (40 ILCS 5/15-187) (from Ch. 108 1/2, par. 15-187)

25 Sec. 15-187. Felony conviction. None of the benefits

1 provided under this Article shall be paid to any person who is
2 convicted of any felony relating to or arising out of or in
3 connection with the person's service as an employee.

4 None of the benefits provided for in this Article shall be
5 paid to any person who otherwise would receive a survivor
6 benefit who is convicted of any felony relating to or arising
7 out of or in connection with the service of the employee from
8 whom the benefit results.

9 This Section shall not operate to impair any contract or
10 vested right heretofore acquired under any law or laws
11 continued in this Article, nor to preclude the right to a
12 refund, and for the changes under this amendatory Act of the
13 99th General Assembly, shall not impair any contract or vested
14 right acquired by a survivor prior to the effective date of
15 this amendatory Act of the 99th General Assembly. No refund
16 paid to any person who is convicted of a felony relating to or
17 arising out of or in connection with the person's service as an
18 employee shall include employer contributions or interest or,
19 in the case of the self-managed plan authorized under Section
20 15-158.2, any employer contributions or investment return on
21 such employer contributions.

22 All persons entering service subsequent to July 9, 1955
23 shall be deemed to have consented to the provisions of this
24 Section as a condition of coverage, and all participants
25 entering service subsequent to the effective date of this
26 amendatory Act of the 99th General Assembly shall be deemed to

1 have consented to the provisions of this amendatory Act as a
2 condition of participation.

3 (Source: P.A. 93-347, eff. 7-24-03.)

4 (40 ILCS 5/16-199) (from Ch. 108 1/2, par. 16-199)

5 Sec. 16-199. Felony conviction. None of the benefits
6 provided for in this Article shall be paid to any person who is
7 convicted of any felony relating to or arising out of or in
8 connection with his or her service as a teacher.

9 None of the benefits provided for in this Article shall be
10 paid to any person who otherwise would receive a survivor
11 benefit who is convicted of any felony relating to or arising
12 out of or in connection with the service of the teacher from
13 whom the benefit results.

14 This Section shall not operate to impair any contract or
15 vested right acquired prior to July 9, 1955 under any law or
16 laws continued in this Article, nor to preclude the right to a
17 refund, and for the changes under this amendatory Act of the
18 99th General Assembly, shall not impair any contract or vested
19 right acquired by a survivor prior to the effective date of
20 this amendatory Act of the 99th General Assembly. The System
21 may sue any such person to collect all moneys paid in excess of
22 refundable contributions.

23 All teachers entering or re-entering service after July 9,
24 1955 shall be deemed to have consented to the provisions of
25 this Section as a condition of membership, and all participants

1 entering service subsequent to the effective date of this
2 amendatory Act of the 99th General Assembly shall be deemed to
3 have consented to the provisions of this amendatory Act as a
4 condition of participation.

5 (Source: P.A. 85-1008.)

6 (40 ILCS 5/17-149.1) (from Ch. 108 1/2, par. 17-149.1)

7 Sec. 17-149.1. Felony conviction. None of the benefits
8 provided for in this Article shall be paid to any person who is
9 convicted of any felony relating to or arising out of or in
10 connection with his or her service as a teacher.

11 None of the benefits provided for in this Article shall be
12 paid to any person who otherwise would receive a survivor
13 benefit who is convicted of any felony relating to or arising
14 out of or in connection with the service of the teacher from
15 whom the benefit results.

16 This Section shall not operate to impair any contract or
17 vested right acquired prior to January 1, 1988, nor to preclude
18 the right to a refund, and for the changes under this
19 amendatory Act of the 99th General Assembly, shall not impair
20 any contract or vested right acquired by a survivor prior to
21 the effective date of this amendatory Act of the 99th General
22 Assembly.

23 All teachers entering service after January 1, 1988 shall
24 be deemed to have consented to the provisions of this Section
25 as a condition of membership, and all participants entering

1 service subsequent to the effective date of this amendatory Act
2 of the 99th General Assembly shall be deemed to have consented
3 to the provisions of this amendatory Act as a condition of
4 participation.

5 (Source: P.A. 85-964.)

6 (40 ILCS 5/18-163) (from Ch. 108 1/2, par. 18-163)

7 Sec. 18-163. Felony conviction. None of the benefits herein
8 provided shall be paid to any person who is convicted of any
9 felony relating to or arising out of or in connection with his
10 or her service as a judge.

11 None of the benefits provided for in this Article shall be
12 paid to any person who otherwise would receive a survivor
13 benefit who is convicted of any felony relating to or arising
14 out of or in connection with the service of the judge from whom
15 the benefit results.

16 This Section shall not operate to impair any contract or
17 vested right acquired before July 9, 1955 under any law or laws
18 continued in this Article, nor to preclude the right to a
19 refund, and for the changes under this amendatory Act of the
20 99th General Assembly, shall not impair any contract or vested
21 right acquired by a survivor prior to the effective date of
22 this amendatory Act of the 99th General Assembly.

23 All participants entering service subsequent to July 9,
24 1955 are deemed to have consented to the provisions of this
25 Section as a condition of participation, and all participants

1 entering service subsequent to the effective date of this
2 amendatory Act of the 99th General Assembly shall be deemed to
3 have consented to the provisions of this amendatory Act as a
4 condition of participation.

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

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