

1 AN ACT concerning the Department of Juvenile Justice.

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 14-110 as follows:

6 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)

7 (Text of Section WITHOUT the changes made by P.A. 98-599,
8 which has been held unconstitutional)

9 Sec. 14-110. Alternative retirement annuity.

10 (a) Any member who has withdrawn from service with not less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12 age 55, and any member who has withdrawn from service with not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

19 (i) for periods of service as a noncovered employee: if
20 retirement occurs on or after January 1, 2001, 3% of final
21 average compensation for each year of creditable service;
22 if retirement occurs before January 1, 2001, 2 1/4% of
23 final average compensation for each of the first 10 years

1 of creditable service, 2 1/2% for each year above 10 years
2 to and including 20 years of creditable service, and 2 3/4%
3 for each year of creditable service above 20 years; and

4 (ii) for periods of eligible creditable service as a
5 covered employee: if retirement occurs on or after January
6 1, 2001, 2.5% of final average compensation for each year
7 of creditable service; if retirement occurs before January
8 1, 2001, 1.67% of final average compensation for each of
9 the first 10 years of such service, 1.90% for each of the
10 next 10 years of such service, 2.10% for each year of such
11 service in excess of 20 but not exceeding 30, and 2.30% for
12 each year in excess of 30.

13 Such annuity shall be subject to a maximum of 75% of final
14 average compensation if retirement occurs before January 1,
15 2001 or to a maximum of 80% of final average compensation if
16 retirement occurs on or after January 1, 2001.

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

22 (b) For the purpose of this Section, "eligible creditable
23 service" means creditable service resulting from service in one
24 or more of the following positions:

25 (1) State policeman;

26 (2) fire fighter in the fire protection service of a

1 department;

2 (3) air pilot;

3 (4) special agent;

4 (5) investigator for the Secretary of State;

5 (6) conservation police officer;

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

8 (8) security employee of the Department of Human
9 Services;

10 (9) Central Management Services security police
11 officer;

12 (10) security employee of the Department of
13 Corrections or the Department of Juvenile Justice;

14 (11) dangerous drugs investigator;

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

16 (13) investigator for the Office of the Attorney
17 General;

18 (14) controlled substance inspector;

19 (15) investigator for the Office of the State's
20 Attorneys Appellate Prosecutor;

21 (16) Commerce Commission police officer;

22 (17) arson investigator;

23 (18) State highway maintenance worker.

24 A person employed in one of the positions specified in this
25 subsection is entitled to eligible creditable service for
26 service credit earned under this Article while undergoing the

1 basic police training course approved by the Illinois Law
2 Enforcement Training Standards Board, if completion of that
3 training is required of persons serving in that position. For
4 the purposes of this Code, service during the required basic
5 police training course shall be deemed performance of the
6 duties of the specified position, even though the person is not
7 a sworn peace officer at the time of the training.

8 (c) For the purposes of this Section:

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

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

16 (3) The term "air pilot" includes any employee whose
17 official job description on file in the Department of
18 Central Management Services, or in the department by which
19 he is employed if that department is not covered by the
20 Personnel Code, states that his principal duty is the
21 operation of aircraft, and who possesses a pilot's license;
22 however, the change in this definition made by this
23 amendatory Act of 1983 shall not operate to exclude any
24 noncovered employee who was an "air pilot" for the purposes
25 of this Section on January 1, 1984.

26 (4) The term "special agent" means any person who by

1 reason of employment by the Division of Narcotic Control,
2 the Bureau of Investigation or, after July 1, 1977, the
3 Division of Criminal Investigation, the Division of
4 Internal Investigation, the Division of Operations, or any
5 other Division or organizational entity in the Department
6 of State Police is vested by law with duties to maintain
7 public order, investigate violations of the criminal law of
8 this State, enforce the laws of this State, make arrests
9 and recover property. The term "special agent" includes any
10 title or position in the Department of State Police that is
11 held by an individual employed under the State Police Act.

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

18 A person who became employed as an investigator for the
19 Secretary of State between January 1, 1967 and December 31,
20 1975, and who has served as such until attainment of age
21 60, either continuously or with a single break in service
22 of not more than 3 years duration, which break terminated
23 before January 1, 1976, shall be entitled to have his
24 retirement annuity calculated in accordance with
25 subsection (a), notwithstanding that he has less than 20
26 years of credit for such service.

1 (6) The term "Conservation Police Officer" means any
2 person employed by the Division of Law Enforcement of the
3 Department of Natural Resources and vested with such law
4 enforcement duties as render him ineligible for coverage
5 under the Social Security Act by reason of Sections
6 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The
7 term "Conservation Police Officer" includes the positions
8 of Chief Conservation Police Administrator and Assistant
9 Conservation Police Administrator.

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

16 The term "investigator for the Illinois Gaming Board"
17 means any person employed as such by the Illinois Gaming
18 Board and vested with such peace officer duties as render
19 the person ineligible for coverage under the Social
20 Security Act by reason of Sections 218(d)(5)(A),
21 218(d)(8)(D), and 218(1)(1) of that Act.

22 (8) The term "security employee of the Department of
23 Human Services" means any person employed by the Department
24 of Human Services who (i) is employed at the Chester Mental
25 Health Center and has daily contact with the residents
26 thereof, (ii) is employed within a security unit at a

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

22 The changes made to this subdivision (c)(8) by Public
23 Act 92-14 apply to persons who retire on or after January
24 1, 2001, notwithstanding Section 1-103.1.

25 (9) "Central Management Services security police
26 officer" means any person employed by the Department of

1 Central Management Services who is vested with such law
2 enforcement duties as render him ineligible for coverage
3 under the Social Security Act by reason of Sections
4 218(d) (5) (A), 218(d) (8) (D) and 218(1) (1) of that Act.

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

26 (11) The term "dangerous drugs investigator" means any

1 person who is employed as such by the Department of Human
2 Services.

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

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

20 (14) "Controlled substance inspector" means any person
21 who is employed as such by the Department of Professional
22 Regulation and is vested with such law enforcement duties
23 as render him ineligible for coverage under the Social
24 Security Act by reason of Sections 218(d)(5)(A),
25 218(d)(8)(D) and 218(1)(1) of that Act. The term
26 "controlled substance inspector" includes the Program

1 Executive of Enforcement and the Assistant Program
2 Executive of Enforcement.

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

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

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

1 the applicant were contributing at the rate applicable to
2 persons with the same social security status earning
3 eligible creditable service on the date of application.

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

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

16 (ii) A person employed on a full-time basis by the
17 Illinois State Toll Highway Authority in the position
18 of equipment operator/laborer H-4, equipment
19 operator/laborer H-6, welder H-4, welder H-6,
20 mechanical/electrical H-4, mechanical/electrical H-6,
21 water/sewer H-4, water/sewer H-6, sign maker/hanger
22 H-4, sign maker/hanger H-6, roadway lighting H-4,
23 roadway lighting H-6, structural H-4, structural H-6,
24 painter H-4, or painter H-6; and whose principal
25 responsibility is to perform, on the roadway, the
26 actual maintenance necessary to keep the Authority's

1 tollways in serviceable condition for vehicular
2 traffic.

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

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

11 or

12 (ii) beginning January 1, 1987, 25 years of eligible
13 creditable service and age 54, or 24 years of eligible
14 creditable service and age 55; or

15 (iii) beginning January 1, 1988, 25 years of eligible
16 creditable service and age 53, or 23 years of eligible
17 creditable service and age 55; or

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

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

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

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

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

18 (f) For purposes of calculating retirement annuities under
19 this Section, periods of service rendered after December 31,
20 1968 and before October 1, 1975 as a covered employee in the
21 position of special agent, conservation police officer, mental
22 health police officer, or investigator for the Secretary of
23 State, shall be deemed to have been service as a noncovered
24 employee, provided that the employee pays to the System prior
25 to retirement an amount equal to (1) the difference between the
26 employee contributions that would have been required for such

1 service as a noncovered employee, and the amount of employee
2 contributions actually paid, plus (2) if payment is made after
3 July 31, 1987, regular interest on the amount specified in item
4 (1) from the date of service to the date of payment.

5 For purposes of calculating retirement annuities under
6 this Section, periods of service rendered after December 31,
7 1968 and before January 1, 1982 as a covered employee in the
8 position of investigator for the Department of Revenue shall be
9 deemed to have been service as a noncovered employee, provided
10 that the employee pays to the System prior to retirement an
11 amount equal to (1) the difference between the employee
12 contributions that would have been required for such service as
13 a noncovered employee, and the amount of employee contributions
14 actually paid, plus (2) if payment is made after January 1,
15 1990, regular interest on the amount specified in item (1) from
16 the date of service to the date of payment.

17 (g) A State policeman may elect, not later than January 1,
18 1990, to establish eligible creditable service for up to 10
19 years of his service as a policeman under Article 3, by filing
20 a written election with the Board, accompanied by payment of an
21 amount to be determined by the Board, equal to (i) the
22 difference between the amount of employee and employer
23 contributions transferred to the System under Section 3-110.5,
24 and the amounts that would have been contributed had such
25 contributions been made at the rates applicable to State
26 policemen, plus (ii) interest thereon at the effective rate for

1 each year, compounded annually, from the date of service to the
2 date of payment.

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

16 (h) Subject to the limitation in subsection (i), a State
17 policeman or investigator for the Secretary of State may elect
18 to establish eligible creditable service for up to 12 years of
19 his service as a policeman under Article 5, by filing a written
20 election with the Board on or before January 31, 1992, and
21 paying to the System by January 31, 1994 an amount to be
22 determined by the Board, equal to (i) the difference between
23 the amount of employee and employer contributions transferred
24 to the System under Section 5-236, and the amounts that would
25 have been contributed had such contributions been made at the
26 rates applicable to State policemen, plus (ii) interest thereon

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

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

17 Subject to the limitation in subsection (i), a State
18 policeman, conservation police officer, or investigator for
19 the Secretary of State may elect to establish eligible
20 creditable service for up to 5 years of service as a police
21 officer under Article 3, a policeman under Article 5, a
22 sheriff's law enforcement employee under Article 7, a member of
23 the county police department under Article 9, or a police
24 officer under Article 15 by filing a written election with the
25 Board and paying to the System an amount to be determined by
26 the Board, equal to (i) the difference between the amount of

1 employee and employer contributions transferred to the System
2 under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4
3 and the amounts that would have been contributed had such
4 contributions been made at the rates applicable to State
5 policemen, plus (ii) interest thereon at the effective rate for
6 each year, compounded annually, from the date of service to the
7 date of payment.

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

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

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

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

23 (j) Subject to the limitation in subsection (i), an
24 investigator for the Office of the State's Attorneys Appellate
25 Prosecutor or a controlled substance inspector may elect to
26 establish eligible creditable service for up to 10 years of his

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

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

1 alternative formula employees, plus (2) an amount determined by
2 the Board to be the employer's normal cost of the benefits
3 accrued for the credit being established, plus (3) regular
4 interest on the amounts in items (1) and (2) from the first day
5 as an alternative formula employee after the employment for
6 which credit is being established to the date of payment.

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

21 (m) The amendatory changes to this Section made by this
22 amendatory Act of the 94th General Assembly apply only to: (1)
23 security employees of the Department of Juvenile Justice
24 employed by the Department of Corrections before the effective
25 date of this amendatory Act of the 94th General Assembly and
26 transferred to the Department of Juvenile Justice by this

1 amendatory Act of the 94th General Assembly; and (2) persons
2 employed by the Department of Juvenile Justice on or after the
3 effective date of this amendatory Act of the 94th General
4 Assembly who are required by subsection (b) of Section 3-2.5-15
5 of the Unified Code of Corrections to have any ~~a~~ bachelor's or
6 advanced degree from an accredited college or university ~~with a~~
7 ~~specialization in criminal justice, education, psychology,~~
8 ~~social work, or a closely related social science~~ or, in the
9 case of persons who provide vocational training, who are
10 required to have adequate knowledge in the skill for which they
11 are providing the vocational training.

12 (n) A person employed in a position under subsection (b) of
13 this Section who has purchased service credit under subsection
14 (j) of Section 14-104 or subsection (b) of Section 14-105 in
15 any other capacity under this Article may convert up to 5 years
16 of that service credit into service credit covered under this
17 Section by paying to the Fund an amount equal to (1) the
18 additional employee contribution required under Section
19 14-133, plus (2) the additional employer contribution required
20 under Section 14-131, plus (3) interest on items (1) and (2) at
21 the actuarially assumed rate from the date of the service to
22 the date of payment.

23 (Source: P.A. 95-530, eff. 8-28-07; 95-1036, eff. 2-17-09;
24 96-37, eff. 7-13-09; 96-745, eff. 8-25-09; 96-1000, eff.
25 7-2-10.)

1 Section 10. The Unified Code of Corrections is amended by
2 changing Sections 3-2.5-15 and 3-10-2 as follows:

3 (730 ILCS 5/3-2.5-15)

4 Sec. 3-2.5-15. Department of Juvenile Justice; assumption
5 of duties of the Juvenile Division.

6 (a) The Department of Juvenile Justice shall assume the
7 rights, powers, duties, and responsibilities of the Juvenile
8 Division of the Department of Corrections. Personnel, books,
9 records, property, and unencumbered appropriations pertaining
10 to the Juvenile Division of the Department of Corrections shall
11 be transferred to the Department of Juvenile Justice on the
12 effective date of this amendatory Act of the 94th General
13 Assembly. Any rights of employees or the State under the
14 Personnel Code or any other contract or plan shall be
15 unaffected by this transfer.

16 (b) Department of Juvenile Justice personnel who are hired
17 by the Department on or after the effective date of this
18 amendatory Act of the 94th General Assembly and who participate
19 or assist in the rehabilitative and vocational training of
20 delinquent youths, supervise the daily activities involving
21 direct and continuing responsibility for the youth's security,
22 welfare and development, or participate in the personal
23 rehabilitation of delinquent youth by training, supervising,
24 and assisting lower level personnel who perform these duties
25 must be over the age of 21 and have any a bachelor's or

1 advanced degree from an accredited college or university ~~with a~~
2 ~~specialization in criminal justice, education, psychology,~~
3 ~~social work, or a closely related social science or other~~
4 ~~bachelor's or advanced degree with at least 2 years experience~~
5 ~~in the field of juvenile matters.~~ This requirement shall not
6 apply to security, clerical, food service, and maintenance
7 staff that do not have direct and regular contact with youth.
8 The degree requirements specified in this subsection (b) are
9 not required of persons who provide vocational training and who
10 have adequate knowledge in the skill for which they are
11 providing the vocational training.

12 (c) Subsection (b) of this Section does not apply to
13 personnel transferred to the Department of Juvenile Justice on
14 the effective date of this amendatory Act of the 94th General
15 Assembly.

16 (d) The Department shall be under the direction of the
17 Director of Juvenile Justice as provided in this Code.

18 (e) The Director shall organize divisions within the
19 Department and shall assign functions, powers, duties, and
20 personnel as required by law. The Director may create other
21 divisions and may assign other functions, powers, duties, and
22 personnel as may be necessary or desirable to carry out the
23 functions and responsibilities vested by law in the Department.
24 The Director may, with the approval of the Office of the
25 Governor, assign to and share functions, powers, duties, and
26 personnel with other State agencies such that administrative

1 services and administrative facilities are provided by a shared
2 administrative service center. Where possible, shared services
3 which impact youth should be done with child-serving agencies.
4 These administrative services may include, but are not limited
5 to, all of the following functions: budgeting, accounting
6 related functions, auditing, human resources, legal,
7 procurement, training, data collection and analysis,
8 information technology, internal investigations, intelligence,
9 legislative services, emergency response capability, statewide
10 transportation services, and general office support.

11 (f) The Department of Juvenile Justice may enter into
12 intergovernmental cooperation agreements under which minors
13 adjudicated delinquent and committed to the Department of
14 Juvenile Justice may participate in county juvenile impact
15 incarceration programs established under Section 3-6039 of the
16 Counties Code.

17 (g) The Department of Juvenile Justice must comply with the
18 ethnic and racial background data collection procedures
19 provided in Section 4.5 of the Criminal Identification Act.

20 (Source: P.A. 98-528, eff. 1-1-15; 98-689, eff. 1-1-15.)

21 (730 ILCS 5/3-10-2) (from Ch. 38, par. 1003-10-2)

22 Sec. 3-10-2. Examination of Persons Committed to the
23 Department of Juvenile Justice.

24 (a) A person committed to the Department of Juvenile
25 Justice shall be examined in regard to his medical,

1 psychological, social, educational and vocational condition
2 and history, including the use of alcohol and other drugs, the
3 circumstances of his offense and any other information as the
4 Department of Juvenile Justice may determine.

5 (a-5) Upon admission of a person committed to the
6 Department of Juvenile Justice, the Department of Juvenile
7 Justice must provide the person with appropriate information
8 concerning HIV and AIDS in writing, verbally, or by video or
9 other electronic means. The Department of Juvenile Justice
10 shall develop the informational materials in consultation with
11 the Department of Public Health. At the same time, the
12 Department of Juvenile Justice also must offer the person the
13 option of being tested, at no charge to the person, for
14 infection with human immunodeficiency virus (HIV). Pre-test
15 information shall be provided to the committed person and
16 informed consent obtained as required in subsection (q) of
17 Section 3 and Section 5 of the AIDS Confidentiality Act. The
18 Department of Juvenile Justice may conduct opt-out HIV testing
19 as defined in Section 4 of the AIDS Confidentiality Act. If the
20 Department conducts opt-out HIV testing, the Department shall
21 place signs in English, Spanish and other languages as needed
22 in multiple, highly visible locations in the area where HIV
23 testing is conducted informing inmates that they will be tested
24 for HIV unless they refuse, and refusal or acceptance of
25 testing shall be documented in the inmate's medical record. The
26 Department shall follow procedures established by the

1 Department of Public Health to conduct HIV testing and testing
2 to confirm positive HIV test results. All testing must be
3 conducted by medical personnel, but pre-test and other
4 information may be provided by committed persons who have
5 received appropriate training. The Department, in conjunction
6 with the Department of Public Health, shall develop a plan that
7 complies with the AIDS Confidentiality Act to deliver
8 confidentially all positive or negative HIV test results to
9 inmates or former inmates. Nothing in this Section shall
10 require the Department to offer HIV testing to an inmate who is
11 known to be infected with HIV, or who has been tested for HIV
12 within the previous 180 days and whose documented HIV test
13 result is available to the Department electronically. The
14 testing provided under this subsection (a-5) shall consist of a
15 test approved by the Illinois Department of Public Health to
16 determine the presence of HIV infection, based upon
17 recommendations of the United States Centers for Disease
18 Control and Prevention. If the test result is positive, a
19 reliable supplemental test based upon recommendations of the
20 United States Centers for Disease Control and Prevention shall
21 be administered.

22 Also upon admission of a person committed to the Department
23 of Juvenile Justice, the Department of Juvenile Justice must
24 inform the person of the Department's obligation to provide the
25 person with medical care.

26 (b) Based on its examination, the Department of Juvenile

1 Justice may exercise the following powers in developing a
2 treatment program of any person committed to the Department of
3 Juvenile Justice:

4 (1) Require participation by him in vocational,
5 physical, educational and corrective training and
6 activities to return him to the community.

7 (2) Place him in any institution or facility of the
8 Department of Juvenile Justice.

9 (3) Order replacement or referral to the Parole and
10 Pardon Board as often as it deems desirable. The Department
11 of Juvenile Justice shall refer the person to the Parole
12 and Pardon Board as required under Section 3-3-4.

13 (4) Enter into agreements with the Secretary of Human
14 Services and the Director of Children and Family Services,
15 with courts having probation officers, and with private
16 agencies or institutions for separate care or special
17 treatment of persons subject to the control of the
18 Department of Juvenile Justice.

19 (c) The Department of Juvenile Justice shall make periodic
20 reexamination of all persons under the control of the
21 Department of Juvenile Justice to determine whether existing
22 orders in individual cases should be modified or continued.
23 This examination shall be made with respect to every person at
24 least once annually.

25 (d) A record of the treatment decision including any
26 modification thereof and the reason therefor, shall be part of

1 the committed person's master record file.

2 (e) The Department of Juvenile Justice shall by regular
3 ~~certified~~ mail and telephone or electronic message notify the
4 parent, guardian, or nearest relative of any person committed
5 to the Department of Juvenile Justice of his or her physical
6 location and any change of his or her physical location
7 ~~thereof~~.

8 (Source: P.A. 98-689, eff. 1-1-15; 98-1046, eff. 1-1-15; 99-78,
9 eff. 7-20-15.)