



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB1435

Introduced 2/17/2021, by Rep. Emanuel Chris Welch

SYNOPSIS AS INTRODUCED:

40 ILCS 5/3-109

from Ch. 108 1/2, par. 3-109

Amends the Downstate Police Article of the Illinois Pension Code. Makes a technical change in a Section concerning persons who are excluded from participation in a fund created under the Article.

LRB102 03451 RPS 13464 b

PENSION IMPACT
NOTE ACT MAY
APPLY

A BILL FOR

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
5 changing Section 3-109 as follows:

6 (40 ILCS 5/3-109) (from Ch. 108 1/2, par. 3-109)
7 Sec. 3-109. Persons excluded.

8 (a) The ~~The~~ following persons shall not be eligible to
9 participate in a fund created under this Article:

10 (1) part-time police officers, special police
11 officers, night watchmen, temporary employees, traffic
12 guards or so-called auxiliary police officers specially
13 appointed to aid or direct traffic at or near schools or
14 public functions, or to aid in civil defense, municipal
15 parking lot attendants, clerks or other civilian employees
16 of a police department who perform clerical duties
17 exclusively;

18 (2) any police officer who fails to pay the
19 contributions required under Section 3-125.1, computed (i)
20 for funds established prior to August 5, 1963, from the
21 date the municipality established the fund or the date of
22 a police officer's first appointment (including an
23 appointment on probation), whichever is later, or (ii) for

1 funds established after August 5, 1963, from the date, as
2 determined from the statistics or census provided in
3 Section 3-103, the municipality became subject to this
4 Article by attaining the minimum population or by
5 referendum, or the date of a police officer's first
6 appointment (including an appointment on probation),
7 whichever is later, and continuing during his or her
8 entire service as a police officer; and

9 (3) any person who has elected under Section 3-109.1
10 to participate in the Illinois Municipal Retirement Fund
11 rather than in a fund established under this Article,
12 without regard to whether the person continues to be
13 employed as chief of police or is employed in some other
14 rank or capacity within the police department, unless the
15 person has lawfully rescinded that election.

16 (b) A police officer who is reappointed shall, before
17 being declared eligible to participate in the pension fund,
18 repay to the fund as required by Section 3-124 any refund
19 received thereunder.

20 (c) Any person otherwise qualified to participate who was
21 excluded from participation by reason of the age restriction
22 removed by Public Act 79-1165 may elect to participate by
23 making a written application to the Board before January 1,
24 1990. Persons so electing shall begin participation on the
25 first day of the month following the date of application. Such
26 persons may also elect to establish creditable service for

1 periods of employment as a police officer during which they
2 did not participate by paying into the police pension fund,
3 before January 1, 1990, the amount that the person would have
4 contributed had deductions from salary been made for such
5 purpose at the time such service was rendered, together with
6 interest thereon at 6% per annum from the time such service was
7 rendered until the date the payment is made.

8 (d) A person otherwise qualified to participate who was
9 excluded from participation by reason of the fitness
10 requirement removed by this amendatory Act of 1995 may elect
11 to participate by making a written application to the Board
12 before July 1, 1996. Persons so electing shall begin
13 participation on the first day of the month following the
14 month in which the application is received by the Board. These
15 persons may also elect to establish creditable service for
16 periods of employment as a police officer during which they
17 did not participate by paying into the police pension fund,
18 before January 1, 1997, the amount that the person would have
19 contributed had deductions from salary been made for this
20 purpose at the time the service was rendered, together with
21 interest thereon at 6% per annum, compounded annually, from
22 the time the service was rendered until the date of payment.

23 (e) A person employed by the Village of Shiloh who is
24 otherwise qualified to participate and was excluded from
25 participation by reason of his or her failure to make written
26 application to the Board within 3 months after receiving his

1 or her first appointment or reappointment as required under
2 Section 3-106 may elect to participate by making a written
3 application to the Board before July 1, 2008. Persons so
4 electing shall begin participation on the first day of the
5 month following the month in which the application is received
6 by the Board. These persons may also elect to establish
7 creditable service for periods of employment as a police
8 officer during which they did not participate by paying into
9 the police pension fund, before January 1, 2009, the amount
10 that the person would have contributed had deductions from
11 salary been made for this purpose at the time the service was
12 rendered, together with interest thereon at 6% per annum,
13 compounded annually, from the time the service was rendered
14 until the date of payment. The Village of Shiloh must pay to
15 the System the corresponding employer contributions, plus
16 interest.

17 (f) A person who has entered into a personal services
18 contract to perform police duties for the Village of
19 Bartonville on or before the effective date of this amendatory
20 Act of the 96th General Assembly may be appointed as an officer
21 in the Village of Bartonville within 6 months after the
22 effective date of this amendatory Act, but shall be excluded
23 from participating under this Article.

24 (g) A person employed by the Village of Glen Carbon who is
25 otherwise qualified to participate and was excluded from
26 participation by reason of his or her failure to make written

1 application to the Board within 3 months after receiving his
2 or her first appointment or reappointment as required under
3 Section 3-106 may elect to participate by making a written
4 application to the Board before January 1, 2011. Persons so
5 electing shall begin participation on the first day of the
6 month following the month in which the application is received
7 by the Board. These persons may also elect to establish
8 creditable service for periods of employment as a police
9 officer during which they did not participate by paying into
10 the police pension fund, before July 1, 2011, (i) employee
11 contributions that the person would have contributed had
12 deductions from salary been made for this purpose at the time
13 the service was rendered, (ii) employer contributions that the
14 employer would have contributed had deductions from salary
15 been made for this purpose at the time the service was
16 rendered, plus (iii) interest on items (i) and (ii) at the
17 actuarially assumed interest rate, compounded annually, from
18 the time the service was rendered until the date of payment.

19 (Source: P.A. 95-483, eff. 8-28-07; 96-775, eff. 8-28-09;
20 96-1252, eff. 7-23-10.)