



Sen. Robert F. Martwick

**Filed: 4/7/2022**

10200HB1568sam002

LRB102 03599 AWJ 38896 a

1 AMENDMENT TO HOUSE BILL 1568

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1568 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Revenue Law of the Civil  
5 Administrative Code of Illinois is amended by adding Section  
6 2505-306 as follows:

7 (20 ILCS 2505/2505-306 new)

8 Sec. 2505-306. Retiring investigators; purchase of service  
9 firearm and badge. The Director shall establish a program to  
10 allow a Department investigator who is honorably retiring in  
11 good standing to purchase either one or both of the following:  
12 (1) any badge previously issued to the investigator by the  
13 Department; or (2) if the investigator has a currently valid  
14 Firearm Owner's Identification Card, the service firearm  
15 issued or previously issued to the investigator by the  
16 Department. The cost of the firearm shall be the replacement

1 value of the firearm and not the firearm's fair market value.

2 Section 10. The Illinois Pension Code is amended by  
3 changing Section 1-160 as follows:

4 (40 ILCS 5/1-160)

5 Sec. 1-160. Provisions applicable to new hires.

6 (a) The provisions of this Section apply to a person who,  
7 on or after January 1, 2011, first becomes a member or a  
8 participant under any reciprocal retirement system or pension  
9 fund established under this Code, other than a retirement  
10 system or pension fund established under Article 2, 3, 4, 5, 6,  
11 7, 15, or 18 of this Code, notwithstanding any other provision  
12 of this Code to the contrary, but do not apply to any  
13 self-managed plan established under this Code or to any  
14 participant of the retirement plan established under Section  
15 22-101; except that this Section applies to a person who  
16 elected to establish alternative credits by electing in  
17 writing after January 1, 2011, but before August 8, 2011,  
18 under Section 7-145.1 of this Code. Notwithstanding anything  
19 to the contrary in this Section, for purposes of this Section,  
20 a person who is a Tier 1 regular employee as defined in Section  
21 7-109.4 of this Code or who participated in a retirement  
22 system under Article 15 prior to January 1, 2011 shall be  
23 deemed a person who first became a member or participant prior  
24 to January 1, 2011 under any retirement system or pension fund

1 subject to this Section. The changes made to this Section by  
2 Public Act 98-596 are a clarification of existing law and are  
3 intended to be retroactive to January 1, 2011 (the effective  
4 date of Public Act 96-889), notwithstanding the provisions of  
5 Section 1-103.1 of this Code.

6 This Section does not apply to a person who first becomes a  
7 noncovered employee under Article 14 on or after the  
8 implementation date of the plan created under Section 1-161  
9 for that Article, unless that person elects under subsection  
10 (b) of Section 1-161 to instead receive the benefits provided  
11 under this Section and the applicable provisions of that  
12 Article.

13 This Section does not apply to a person who first becomes a  
14 member or participant under Article 16 on or after the  
15 implementation date of the plan created under Section 1-161  
16 for that Article, unless that person elects under subsection  
17 (b) of Section 1-161 to instead receive the benefits provided  
18 under this Section and the applicable provisions of that  
19 Article.

20 This Section does not apply to a person who elects under  
21 subsection (c-5) of Section 1-161 to receive the benefits  
22 under Section 1-161.

23 This Section does not apply to a person who first becomes a  
24 member or participant of an affected pension fund on or after 6  
25 months after the resolution or ordinance date, as defined in  
26 Section 1-162, unless that person elects under subsection (c)

1 of Section 1-162 to receive the benefits provided under this  
2 Section and the applicable provisions of the Article under  
3 which he or she is a member or participant.

4 (b) "Final average salary" means, except as otherwise  
5 provided in this subsection, the average monthly (or annual)  
6 salary obtained by dividing the total salary or earnings  
7 calculated under the Article applicable to the member or  
8 participant during the 96 consecutive months (or 8 consecutive  
9 years) of service within the last 120 months (or 10 years) of  
10 service in which the total salary or earnings calculated under  
11 the applicable Article was the highest by the number of months  
12 (or years) of service in that period. For the purposes of a  
13 person who first becomes a member or participant of any  
14 retirement system or pension fund to which this Section  
15 applies on or after January 1, 2011, in this Code, "final  
16 average salary" shall be substituted for the following:

17 (1) (Blank).

18 (2) In Articles 8, 9, 10, 11, and 12, "highest average  
19 annual salary for any 4 consecutive years within the last  
20 10 years of service immediately preceding the date of  
21 withdrawal".

22 (3) In Article 13, "average final salary".

23 (4) In Article 14, "final average compensation".

24 (5) In Article 17, "average salary".

25 (6) In Section 22-207, "wages or salary received by  
26 him at the date of retirement or discharge".

1           A member of the Teachers' Retirement System of the State  
2 of Illinois who retires on or after June 1, 2021 and for whom  
3 the 2020-2021 school year is used in the calculation of the  
4 member's final average salary shall use the higher of the  
5 following for the purpose of determining the member's final  
6 average salary:

7           (A) the amount otherwise calculated under the first  
8 paragraph of this subsection; or

9           (B) an amount calculated by the Teachers' Retirement  
10 System of the State of Illinois using the average of the  
11 monthly (or annual) salary obtained by dividing the total  
12 salary or earnings calculated under Article 16 applicable  
13 to the member or participant during the 96 months (or 8  
14 years) of service within the last 120 months (or 10 years)  
15 of service in which the total salary or earnings  
16 calculated under the Article was the highest by the number  
17 of months (or years) of service in that period.

18           (b-5) Beginning on January 1, 2011, for all purposes under  
19 this Code (including without limitation the calculation of  
20 benefits and employee contributions), the annual earnings,  
21 salary, or wages (based on the plan year) of a member or  
22 participant to whom this Section applies shall not exceed  
23 \$106,800; however, that amount shall annually thereafter be  
24 increased by the lesser of (i) 3% of that amount, including all  
25 previous adjustments, or (ii) one-half the annual unadjusted  
26 percentage increase (but not less than zero) in the consumer

1 price index-u for the 12 months ending with the September  
2 preceding each November 1, including all previous adjustments.

3 For the purposes of this Section, "consumer price index-u"  
4 means the index published by the Bureau of Labor Statistics of  
5 the United States Department of Labor that measures the  
6 average change in prices of goods and services purchased by  
7 all urban consumers, United States city average, all items,  
8 1982-84 = 100. The new amount resulting from each annual  
9 adjustment shall be determined by the Public Pension Division  
10 of the Department of Insurance and made available to the  
11 boards of the retirement systems and pension funds by November  
12 1 of each year.

13 (c) A member or participant is entitled to a retirement  
14 annuity upon written application if he or she has attained age  
15 67 (age 65, with respect to service under Article 12 that is  
16 subject to this Section, for a member or participant under  
17 Article 12 who first becomes a member or participant under  
18 Article 12 on or after January 1, 2022 or who makes the  
19 election under item (i) of subsection (d-15) of this Section)  
20 and has at least 10 years of service credit and is otherwise  
21 eligible under the requirements of the applicable Article.

22 A member or participant who has attained age 62 (age 60,  
23 with respect to service under Article 12 that is subject to  
24 this Section, for a member or participant under Article 12 who  
25 first becomes a member or participant under Article 12 on or  
26 after January 1, 2022 or who makes the election under item (i)

1 of subsection (d-15) of this Section) and has at least 10 years  
2 of service credit and is otherwise eligible under the  
3 requirements of the applicable Article may elect to receive  
4 the lower retirement annuity provided in subsection (d) of  
5 this Section.

6 (c-5) A person who first becomes a member or a participant  
7 subject to this Section on or after July 6, 2017 (the effective  
8 date of Public Act 100-23), notwithstanding any other  
9 provision of this Code to the contrary, is entitled to a  
10 retirement annuity under Article 8 or Article 11 upon written  
11 application if he or she has attained age 65 and has at least  
12 10 years of service credit and is otherwise eligible under the  
13 requirements of Article 8 or Article 11 of this Code,  
14 whichever is applicable.

15 (d) The retirement annuity of a member or participant who  
16 is retiring after attaining age 62 (age 60, with respect to  
17 service under Article 12 that is subject to this Section, for a  
18 member or participant under Article 12 who first becomes a  
19 member or participant under Article 12 on or after January 1,  
20 2022 or who makes the election under item (i) of subsection  
21 (d-15) of this Section) with at least 10 years of service  
22 credit shall be reduced by one-half of 1% for each full month  
23 that the member's age is under age 67 (age 65, with respect to  
24 service under Article 12 that is subject to this Section, for a  
25 member or participant under Article 12 who first becomes a  
26 member or participant under Article 12 on or after January 1,

1 2022 or who makes the election under item (i) of subsection  
2 (d-15) of this Section).

3 (d-5) The retirement annuity payable under Article 8 or  
4 Article 11 to an eligible person subject to subsection (c-5)  
5 of this Section who is retiring at age 60 with at least 10  
6 years of service credit shall be reduced by one-half of 1% for  
7 each full month that the member's age is under age 65.

8 (d-10) Each person who first became a member or  
9 participant under Article 8 or Article 11 of this Code on or  
10 after January 1, 2011 and prior to July 6, 2017 (the effective  
11 date of Public Act 100-23) ~~this amendatory Act of the 100th~~  
12 ~~General Assembly~~ shall make an irrevocable election either:

13 (i) to be eligible for the reduced retirement age  
14 provided in subsections (c-5) and (d-5) of this Section,  
15 the eligibility for which is conditioned upon the member  
16 or participant agreeing to the increases in employee  
17 contributions for age and service annuities provided in  
18 subsection (a-5) of Section 8-174 of this Code (for  
19 service under Article 8) or subsection (a-5) of Section  
20 11-170 of this Code (for service under Article 11); or

21 (ii) to not agree to item (i) of this subsection  
22 (d-10), in which case the member or participant shall  
23 continue to be subject to the retirement age provisions in  
24 subsections (c) and (d) of this Section and the employee  
25 contributions for age and service annuity as provided in  
26 subsection (a) of Section 8-174 of this Code (for service



1 under Article 8) or subsection (a) of Section 11-170 of  
2 this Code (for service under Article 11).

3 The election provided for in this subsection shall be made  
4 between October 1, 2017 and November 15, 2017. A person  
5 subject to this subsection who makes the required election  
6 shall remain bound by that election. A person subject to this  
7 subsection who fails for any reason to make the required  
8 election within the time specified in this subsection shall be  
9 deemed to have made the election under item (ii).

10 (d-15) Each person who first becomes a member or  
11 participant under Article 12 on or after January 1, 2011 and  
12 prior to January 1, 2022 shall make an irrevocable election  
13 either:

14 (i) to be eligible for the reduced retirement age  
15 specified in subsections (c) and (d) of this Section, the  
16 eligibility for which is conditioned upon the member or  
17 participant agreeing to the increase in employee  
18 contributions for service annuities specified in  
19 subsection (b) of Section 12-150; or

20 (ii) to not agree to item (i) of this subsection  
21 (d-15), in which case the member or participant shall not  
22 be eligible for the reduced retirement age specified in  
23 subsections (c) and (d) of this Section and shall not be  
24 subject to the increase in employee contributions for  
25 service annuities specified in subsection (b) of Section  
26 12-150.

1           The election provided for in this subsection shall be made  
2 between January 1, 2022 and April 1, 2022. A person subject to  
3 this subsection who makes the required election shall remain  
4 bound by that election. A person subject to this subsection  
5 who fails for any reason to make the required election within  
6 the time specified in this subsection shall be deemed to have  
7 made the election under item (ii).

8           (e) Any retirement annuity or supplemental annuity shall  
9 be subject to annual increases on the January 1 occurring  
10 either on or after the attainment of age 67 (age 65, with  
11 respect to service under Article 12 that is subject to this  
12 Section, for a member or participant under Article 12 who  
13 first becomes a member or participant under Article 12 on or  
14 after January 1, 2022 or who makes the election under item (i)  
15 of subsection (d-15); and beginning on July 6, 2017 (the  
16 effective date of Public Act 100-23) ~~this amendatory Act of~~  
17 ~~the 100th General Assembly~~, age 65 with respect to service  
18 under Article 8 or Article 11 for eligible persons who: (i) are  
19 subject to subsection (c-5) of this Section; or (ii) made the  
20 election under item (i) of subsection (d-10) of this Section)  
21 or the first anniversary of the annuity start date, whichever  
22 is later. Each annual increase shall be calculated at 3% or  
23 one-half the annual unadjusted percentage increase (but not  
24 less than zero) in the consumer price index-u for the 12 months  
25 ending with the September preceding each November 1, whichever  
26 is less, of the originally granted retirement annuity. If the

1 annual unadjusted percentage change in the consumer price  
2 index-u for the 12 months ending with the September preceding  
3 each November 1 is zero or there is a decrease, then the  
4 annuity shall not be increased.

5 For the purposes of Section 1-103.1 of this Code, the  
6 changes made to this Section by Public Act 102-263 ~~this~~  
7 ~~amendatory Act of the 102nd General Assembly~~ are applicable  
8 without regard to whether the employee was in active service  
9 on or after August 6, 2021 (the effective date of Public Act  
10 102-263) ~~this amendatory Act of the 102nd General Assembly~~.

11 For the purposes of Section 1-103.1 of this Code, the  
12 changes made to this Section by Public Act 100-23 ~~this~~  
13 ~~amendatory Act of the 100th General Assembly~~ are applicable  
14 without regard to whether the employee was in active service  
15 on or after July 6, 2017 (the effective date of Public Act  
16 100-23) ~~this amendatory Act of the 100th General Assembly~~.

17 (f) The initial survivor's or widow's annuity of an  
18 otherwise eligible survivor or widow of a retired member or  
19 participant who first became a member or participant on or  
20 after January 1, 2011 shall be in the amount of 66 2/3% of the  
21 retired member's or participant's retirement annuity at the  
22 date of death. In the case of the death of a member or  
23 participant who has not retired and who first became a member  
24 or participant on or after January 1, 2011, eligibility for a  
25 survivor's or widow's annuity shall be determined by the  
26 applicable Article of this Code. The initial benefit shall be

1 66 2/3% of the earned annuity without a reduction due to age. A  
2 child's annuity of an otherwise eligible child shall be in the  
3 amount prescribed under each Article if applicable. Any  
4 survivor's or widow's annuity shall be increased (1) on each  
5 January 1 occurring on or after the commencement of the  
6 annuity if the deceased member died while receiving a  
7 retirement annuity or (2) in other cases, on each January 1  
8 occurring after the first anniversary of the commencement of  
9 the annuity. Each annual increase shall be calculated at 3% or  
10 one-half the annual unadjusted percentage increase (but not  
11 less than zero) in the consumer price index-u for the 12 months  
12 ending with the September preceding each November 1, whichever  
13 is less, of the originally granted survivor's annuity. If the  
14 annual unadjusted percentage change in the consumer price  
15 index-u for the 12 months ending with the September preceding  
16 each November 1 is zero or there is a decrease, then the  
17 annuity shall not be increased.

18 (g) The benefits in Section 14-110 apply ~~only~~ if the  
19 person is ~~a State policeman,~~ a fire fighter in the fire  
20 protection service of a department, ~~a conservation police~~  
21 ~~officer, an investigator for the Secretary of State, an arson~~  
22 ~~investigator, a Commerce Commission police officer,~~  
23 ~~investigator for the Department of Revenue or the Illinois~~  
24 ~~Gaming Board,~~ a security employee of the Department of  
25 Corrections or the Department of Juvenile Justice, or a  
26 security employee of the Department of Innovation and

1 Technology, as those terms are defined in subsection (b) and  
2 subsection (c) of Section 14-110. A person who meets the  
3 requirements of this Section is entitled to an annuity  
4 calculated under the provisions of Section 14-110, in lieu of  
5 the regular or minimum retirement annuity, only if the person  
6 has withdrawn from service with not less than 20 years of  
7 eligible creditable service and has attained age 60,  
8 regardless of whether the attainment of age 60 occurs while  
9 the person is still in service.

10 (g-5) The benefits in Section 14-110 apply if the person  
11 is a State policeman, investigator for the Secretary of State,  
12 conservation police officer, investigator for the Department  
13 of Revenue or the Illinois Gaming Board, investigator for the  
14 Office of the Attorney General, Commerce Commission police  
15 officer, or arson investigator, as those terms are defined in  
16 subsection (b) and subsection (c) of Section 14-110. A person  
17 who meets the requirements of this Section is entitled to an  
18 annuity calculated under the provisions of Section 14-110, in  
19 lieu of the regular or minimum retirement annuity, only if the  
20 person has withdrawn from service with not less than 20 years  
21 of eligible creditable service and has attained age 55,  
22 regardless of whether the attainment of age 55 occurs while  
23 the person is still in service.

24 (h) If a person who first becomes a member or a participant  
25 of a retirement system or pension fund subject to this Section  
26 on or after January 1, 2011 is receiving a retirement annuity

1 or retirement pension under that system or fund and becomes a  
2 member or participant under any other system or fund created  
3 by this Code and is employed on a full-time basis, except for  
4 those members or participants exempted from the provisions of  
5 this Section under subsection (a) of this Section, then the  
6 person's retirement annuity or retirement pension under that  
7 system or fund shall be suspended during that employment. Upon  
8 termination of that employment, the person's retirement  
9 annuity or retirement pension payments shall resume and be  
10 recalculated if recalculation is provided for under the  
11 applicable Article of this Code.

12 If a person who first becomes a member of a retirement  
13 system or pension fund subject to this Section on or after  
14 January 1, 2012 and is receiving a retirement annuity or  
15 retirement pension under that system or fund and accepts on a  
16 contractual basis a position to provide services to a  
17 governmental entity from which he or she has retired, then  
18 that person's annuity or retirement pension earned as an  
19 active employee of the employer shall be suspended during that  
20 contractual service. A person receiving an annuity or  
21 retirement pension under this Code shall notify the pension  
22 fund or retirement system from which he or she is receiving an  
23 annuity or retirement pension, as well as his or her  
24 contractual employer, of his or her retirement status before  
25 accepting contractual employment. A person who fails to submit  
26 such notification shall be guilty of a Class A misdemeanor and

1 required to pay a fine of \$1,000. Upon termination of that  
2 contractual employment, the person's retirement annuity or  
3 retirement pension payments shall resume and, if appropriate,  
4 be recalculated under the applicable provisions of this Code.

5 (i) (Blank).

6 (j) In the case of a conflict between the provisions of  
7 this Section and any other provision of this Code, the  
8 provisions of this Section shall control.

9 (Source: P.A. 101-610, eff. 1-1-20; 102-16, eff. 6-17-21;  
10 102-210, eff. 1-1-22; 102-263, eff. 8-6-21; revised 9-28-21.)

11 Section 15. The Law Enforcement Intern Training Act is  
12 amended by adding Section 24 as follows:

13 (50 ILCS 708/24 new)

14 Sec. 24. Transfer credits from public institutions of  
15 higher education.

16 (a) As used in this Section, "public institutions of  
17 higher education" has the meaning ascribed to that term in the  
18 Board of Higher Education Act.

19 (b) The Board shall collaborate with the Illinois  
20 Community College Board and the Board of Higher Education to  
21 create a report with recommendations to the General Assembly  
22 for establishing minimum requirements for credits that may  
23 transfer from public institutions of higher education to  
24 satisfy the requirements of law enforcement and correctional

1 intern courses under this Act.

2 (c) The report shall be submitted to the General Assembly  
3 no later than July 1, 2023.

4 Section 20. The Counties Code is amended by adding Section  
5 3-6042 as follows:

6 (55 ILCS 5/3-6042 new)

7 Sec. 3-6042. Retiring employee; purchase of service  
8 firearm and badge. Each Sheriff shall establish a program to  
9 allow an employee of the Sheriff's Department who is honorably  
10 retiring in good standing to purchase either one or both of the  
11 following: (1) any badge previously issued to the employee by  
12 the Sheriff's Department; or (2) if the employee has a  
13 currently valid Firearm Owner's Identification Card, the  
14 service firearm issued or previously issued to the employee by  
15 the Sheriff's Department. The badge must be permanently and  
16 conspicuously marked in such a manner that the individual who  
17 possesses the badge is not mistaken for an actively serving  
18 law enforcement officer. The cost of the firearm shall be the  
19 replacement value of the firearm and not the firearm's fair  
20 market value.

21 Section 25. The Illinois Gambling Act is amended by adding  
22 Section 5.4 as follows:



1 (230 ILCS 10/5.4 new)

2 Sec. 5.4. Retiring investigators; purchase of service  
3 firearm and badge. The Board shall establish a program to  
4 allow an investigator appointed under paragraph (20.6) of  
5 subsection (c) of Section 4 who is honorably retiring in good  
6 standing to purchase either one or both of the following: (1)  
7 any badge previously issued to the investigator by the Board;  
8 or (2) if the investigator has a currently valid Firearm  
9 Owner's Identification Card, the service firearm issued or  
10 previously issued to the investigator by the Board. The badge  
11 must be permanently and conspicuously marked in such a manner  
12 that the individual who possesses the badge is not mistaken  
13 for an actively serving law enforcement officer. The cost of  
14 the firearm shall be the replacement value of the firearm and  
15 not the firearm's fair market value.

16 Section 30. The Unified Code of Corrections is amended by  
17 adding Section 3-2-10.5 as follows:

18 (730 ILCS 5/3-2-10.5 new)

19 Sec. 3-2-10.5. Retiring security employees and parole  
20 agents; purchase of service firearm and badge. The Director  
21 shall establish a program to allow a security employee or  
22 parole agent of the Department who is honorably retiring in  
23 good standing to purchase either one or both of the following:  
24 (1) any badge previously issued to the security employee or

1 parole agent by the Department; or (2) if the security  
2 employee or parole agent has a currently valid Firearm Owner's  
3 Identification Card, the service firearm issued or previously  
4 issued to the security employee or parole agent by the  
5 Department. The badge must be permanently and conspicuously  
6 marked in such a manner that the individual who possesses the  
7 badge is not mistaken for an actively serving law enforcement  
8 officer. The cost of the firearm shall be the replacement  
9 value of the firearm and not the firearm's fair market value.

10 Section 35. The Probation and Probation Officers Act is  
11 amended by adding Section 15.2 as follows:

12 (730 ILCS 110/15.2 new)

13 Sec. 15.2. Retiring probation officer; purchase of service  
14 firearm and badge. Each department shall establish a program  
15 to allow a probation officer of the department who is  
16 honorably retiring in good standing to purchase either one or  
17 both of the following: (1) any badge previously issued to the  
18 probation officer by the department; or (2) if the probation  
19 officer has a currently valid Firearm Owner's Identification  
20 Card, the service firearm issued or previously issued to the  
21 probation officer by the department. The badge must be  
22 permanently and conspicuously marked in such a manner that the  
23 individual who possesses the badge is not mistaken for an  
24 actively serving law enforcement officer. The cost of the

1 firearm shall be the replacement value of the firearm and not  
2 the firearm's fair market value.

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law, except that Section 15 takes effect January 1,  
5 2023.".