



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB4456

Introduced 1/21/2022, by Rep. Michael J. Zalewski

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/1-160	
40 ILCS 5/14-110	from Ch. 108 1/2, par. 14-110
40 ILCS 5/14-152.1	
235 ILCS 5/3-4.1 new	
235 ILCS 5/3-12	
235 ILCS 5/4-4	from Ch. 43, par. 112
235 ILCS 5/8-2	from Ch. 43, par. 159
235 ILCS 5/10-6	from Ch. 43, par. 188
235 ILCS 5/10-8	from Ch. 43, par. 190

Amends the General Provisions and State Employee Article of the Illinois Pension Code. Provides that the alternative retirement annuity under the State Employee Article applies to an investigator for the Illinois Liquor Control Commission, including an investigator for the Illinois Liquor Control Commission who is subject to the Tier 2 provisions. Authorizes investigators for the Illinois Liquor Control Commission to establish eligible creditable service under the alternative retirement annuity formula for certain service by applying and paying a specified contribution. Amends the Liquor Control Act of 1934. Provides that, subject to certain restrictions, the State Commission has the power to expend sums that the Executive Director deems necessary for the purchase of evidence and for the employment of persons to obtain evidence. Provides that an action for a violation of the Act shall be commenced by the State Commission not more than 18 months after conviction of the violation of the Act or other State law in a circuit court or, if there has not been a conviction, not more than 3 years after the violation occurred (instead of within 2 years after the date the State Commission becomes aware of the violation). Makes changes to provisions concerning notice of a violation of the Act and dismissals of an action for failing to provide that notice; inspection of premises by the State Commission and local liquor control commissioners; bonding requirements; and forfeiture of alcoholic liquor possessed, sold, shipped, or transported in violation of the Act. Makes other changes. Effective immediately.

LRB102 24101 RPS 33327 b

1 AN ACT concerning liquor.

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 Sections 1-160, 14-110, and 14-152.1 as follows:

6 (40 ILCS 5/1-160)

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

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

1 system under Article 15 prior to January 1, 2011 shall be  
2 deemed a person who first became a member or participant prior  
3 to January 1, 2011 under any retirement system or pension fund  
4 subject to this Section. The changes made to this Section by  
5 Public Act 98-596 are a clarification of existing law and are  
6 intended to be retroactive to January 1, 2011 (the effective  
7 date of Public Act 96-889), notwithstanding the provisions of  
8 Section 1-103.1 of this Code.

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

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

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

26 This Section does not apply to a person who first becomes a

1 member or participant of an affected pension fund on or after 6  
2 months after the resolution or ordinance date, as defined in  
3 Section 1-162, unless that person elects under subsection (c)  
4 of Section 1-162 to receive the benefits provided under this  
5 Section and the applicable provisions of the Article under  
6 which he or she is a member or participant.

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

20 (1) (Blank).

21 (2) In Articles 8, 9, 10, 11, and 12, "highest average  
22 annual salary for any 4 consecutive years within the last  
23 10 years of service immediately preceding the date of  
24 withdrawal".

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

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

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

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

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

10 (A) the amount otherwise calculated under the first  
11 paragraph of this subsection; or

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

21 (b-5) Beginning on January 1, 2011, for all purposes under  
22 this Code (including without limitation the calculation of  
23 benefits and employee contributions), the annual earnings,  
24 salary, or wages (based on the plan year) of a member or  
25 participant to whom this Section applies shall not exceed  
26 \$106,800; however, that amount shall annually thereafter be

1 increased by the lesser of (i) 3% of that amount, including all  
2 previous adjustments, or (ii) one-half the annual unadjusted  
3 percentage increase (but not less than zero) in the consumer  
4 price index-u for the 12 months ending with the September  
5 preceding each November 1, including all previous adjustments.

6 For the purposes of this Section, "consumer price index-u"  
7 means the index published by the Bureau of Labor Statistics of  
8 the United States Department of Labor that measures the  
9 average change in prices of goods and services purchased by  
10 all urban consumers, United States city average, all items,  
11 1982-84 = 100. The new amount resulting from each annual  
12 adjustment shall be determined by the Public Pension Division  
13 of the Department of Insurance and made available to the  
14 boards of the retirement systems and pension funds by November  
15 1 of each year.

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

25 A member or participant who has attained age 62 (age 60,  
26 with respect to service under Article 12 that is subject to

1 this Section, for a member or participant under Article 12 who  
2 first becomes a member or participant under Article 12 on or  
3 after January 1, 2022 or who makes the election under item (i)  
4 of subsection (d-15) of this Section) and has at least 10 years  
5 of service credit and is otherwise eligible under the  
6 requirements of the applicable Article may elect to receive  
7 the lower retirement annuity provided in subsection (d) of  
8 this Section.

9 (c-5) A person who first becomes a member or a participant  
10 subject to this Section on or after July 6, 2017 (the effective  
11 date of Public Act 100-23), notwithstanding any other  
12 provision of this Code to the contrary, is entitled to a  
13 retirement annuity under Article 8 or Article 11 upon written  
14 application if he or she has attained age 65 and has at least  
15 10 years of service credit and is otherwise eligible under the  
16 requirements of Article 8 or Article 11 of this Code,  
17 whichever is applicable.

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

1 service under Article 12 that is subject to this Section, for a  
2 member or participant under Article 12 who first becomes a  
3 member or participant under Article 12 on or after January 1,  
4 2022 or who makes the election under item (i) of subsection  
5 (d-15) of this Section).

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

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

16 (i) to be eligible for the reduced retirement age  
17 provided in subsections (c-5) and (d-5) of this Section,  
18 the eligibility for which is conditioned upon the member  
19 or participant agreeing to the increases in employee  
20 contributions for age and service annuities provided in  
21 subsection (a-5) of Section 8-174 of this Code (for  
22 service under Article 8) or subsection (a-5) of Section  
23 11-170 of this Code (for service under Article 11); or

24 (ii) to not agree to item (i) of this subsection  
25 (d-10), in which case the member or participant shall  
26 continue to be subject to the retirement age provisions in



1 subsections (c) and (d) of this Section and the employee  
2 contributions for age and service annuity as provided in  
3 subsection (a) of Section 8-174 of this Code (for service  
4 under Article 8) or subsection (a) of Section 11-170 of  
5 this Code (for service under Article 11).

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

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

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

23 (ii) to not agree to item (i) of this subsection  
24 (d-15), in which case the member or participant shall not  
25 be eligible for the reduced retirement age specified in  
26 subsections (c) and (d) of this Section and shall not be

1 subject to the increase in employee contributions for  
2 service annuities specified in subsection (b) of Section  
3 12-150.

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

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

1 less than zero) in the consumer price index-u for the 12 months  
2 ending with the September preceding each November 1, whichever  
3 is less, of the originally granted retirement annuity. If the  
4 annual unadjusted percentage change in the consumer price  
5 index-u for the 12 months ending with the September preceding  
6 each November 1 is zero or there is a decrease, then the  
7 annuity shall not be increased.

8 For the purposes of Section 1-103.1 of this Code, the  
9 changes made to this Section by Public Act 102-263 ~~this~~  
10 ~~amendatory Act of the 102nd General Assembly~~ are applicable  
11 without regard to whether the employee was in active service  
12 on or after August 6, 2021 (the effective date of Public Act  
13 102-263) ~~this amendatory Act of the 102nd General Assembly~~.

14 For the purposes of Section 1-103.1 of this Code, the  
15 changes made to this Section by Public Act 100-23 ~~this~~  
16 ~~amendatory Act of the 100th General Assembly~~ are applicable  
17 without regard to whether the employee was in active service  
18 on or after July 6, 2017 (the effective date of Public Act  
19 100-23) ~~this amendatory Act of the 100th General Assembly~~.

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

1 or participant on or after January 1, 2011, eligibility for a  
2 survivor's or widow's annuity shall be determined by the  
3 applicable Article of this Code. The initial benefit shall be  
4  $66 \frac{2}{3}\%$  of the earned annuity without a reduction due to age. A  
5 child's annuity of an otherwise eligible child shall be in the  
6 amount prescribed under each Article if applicable. Any  
7 survivor's or widow's annuity shall be increased (1) on each  
8 January 1 occurring on or after the commencement of the  
9 annuity if the deceased member died while receiving a  
10 retirement annuity or (2) in other cases, on each January 1  
11 occurring after the first anniversary of the commencement of  
12 the annuity. Each annual increase shall be calculated at 3% or  
13 one-half the annual unadjusted percentage increase (but not  
14 less than zero) in the consumer price index-u for the 12 months  
15 ending with the September preceding each November 1, whichever  
16 is less, of the originally granted survivor's annuity. If the  
17 annual unadjusted percentage change in the consumer price  
18 index-u for the 12 months ending with the September preceding  
19 each November 1 is zero or there is a decrease, then the  
20 annuity shall not be increased.

21 (g) The benefits in Section 14-110 apply only if the  
22 person is a State policeman, a fire fighter in the fire  
23 protection service of a department, a conservation police  
24 officer, an investigator for the Secretary of State, an arson  
25 investigator, a Commerce Commission police officer,  
26 investigator for the Department of Revenue, Illinois Liquor

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

13 (h) If a person who first becomes a member or a participant  
14 of a retirement system or pension fund subject to this Section  
15 on or after January 1, 2011 is receiving a retirement annuity  
16 or retirement pension under that system or fund and becomes a  
17 member or participant under any other system or fund created  
18 by this Code and is employed on a full-time basis, except for  
19 those members or participants exempted from the provisions of  
20 this Section under subsection (a) of this Section, then the  
21 person's retirement annuity or retirement pension under that  
22 system or fund shall be suspended during that employment. Upon  
23 termination of that employment, the person's retirement  
24 annuity or retirement pension payments shall resume and be  
25 recalculated if recalculation is provided for under the  
26 applicable Article of this Code.

1           If a person who first becomes a member of a retirement  
2 system or pension fund subject to this Section on or after  
3 January 1, 2012 and is receiving a retirement annuity or  
4 retirement pension under that system or fund and accepts on a  
5 contractual basis a position to provide services to a  
6 governmental entity from which he or she has retired, then  
7 that person's annuity or retirement pension earned as an  
8 active employee of the employer shall be suspended during that  
9 contractual service. A person receiving an annuity or  
10 retirement pension under this Code shall notify the pension  
11 fund or retirement system from which he or she is receiving an  
12 annuity or retirement pension, as well as his or her  
13 contractual employer, of his or her retirement status before  
14 accepting contractual employment. A person who fails to submit  
15 such notification shall be guilty of a Class A misdemeanor and  
16 required to pay a fine of \$1,000. Upon termination of that  
17 contractual employment, the person's retirement annuity or  
18 retirement pension payments shall resume and, if appropriate,  
19 be recalculated under the applicable provisions of this Code.

20           (i) (Blank).

21           (j) In the case of a conflict between the provisions of  
22 this Section and any other provision of this Code, the  
23 provisions of this Section shall control.

24           (Source: P.A. 101-610, eff. 1-1-20; 102-16, eff. 6-17-21;  
25 102-210, eff. 1-1-22; 102-263, eff. 8-6-21; revised 9-28-21.)

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

2 Sec. 14-110. Alternative retirement annuity.

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

12 (i) for periods of service as a noncovered employee:  
13 if retirement occurs on or after January 1, 2001, 3% of  
14 final average compensation for each year of creditable  
15 service; if retirement occurs before January 1, 2001, 2  
16 1/4% of final average compensation for each of the first  
17 10 years of creditable service, 2 1/2% for each year above  
18 10 years to and including 20 years of creditable service,  
19 and 2 3/4% for each year of creditable service above 20  
20 years; and

21 (ii) for periods of eligible creditable service as a  
22 covered employee: if retirement occurs on or after January  
23 1, 2001, 2.5% of final average compensation for each year  
24 of creditable service; if retirement occurs before January  
25 1, 2001, 1.67% of final average compensation for each of  
26 the first 10 years of such service, 1.90% for each of the

1 next 10 years of such service, 2.10% for each year of such  
2 service in excess of 20 but not exceeding 30, and 2.30% for  
3 each year in excess of 30.

4 Such annuity shall be subject to a maximum of 75% of final  
5 average compensation if retirement occurs before January 1,  
6 2001 or to a maximum of 80% of final average compensation if  
7 retirement occurs on or after January 1, 2001.

8 These rates shall not be applicable to any service  
9 performed by a member as a covered employee which is not  
10 eligible creditable service. Service as a covered employee  
11 which is not eligible creditable service shall be subject to  
12 the rates and provisions of Section 14-108.

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

16 (1) State policeman;

17 (2) fire fighter in the fire protection service of a  
18 department;

19 (3) air pilot;

20 (4) special agent;

21 (5) investigator for the Secretary of State;

22 (6) conservation police officer;

23 (7) investigator for the Department of Revenue, the  
24 Illinois Liquor Control Commission, or the Illinois Gaming  
25 Board;

26 (8) security employee of the Department of Human



1 Services;

2 (9) Central Management Services security police  
3 officer;

4 (10) security employee of the Department of  
5 Corrections or the Department of Juvenile Justice;

6 (11) dangerous drugs investigator;

7 (12) investigator for the Illinois State Police;

8 (13) investigator for the Office of the Attorney  
9 General;

10 (14) controlled substance inspector;

11 (15) investigator for the Office of the State's  
12 Attorneys Appellate Prosecutor;

13 (16) Commerce Commission police officer;

14 (17) arson investigator;

15 (18) State highway maintenance worker;

16 (19) security employee of the Department of Innovation  
17 and Technology; or

18 (20) transferred employee.

19 A person employed in one of the positions specified in  
20 this subsection is entitled to eligible creditable service for  
21 service credit earned under this Article while undergoing the  
22 basic police training course approved by the Illinois Law  
23 Enforcement Training Standards Board, if completion of that  
24 training is required of persons serving in that position. For  
25 the purposes of this Code, service during the required basic  
26 police training course shall be deemed performance of the

1 duties of the specified position, even though the person is  
2 not a sworn peace officer at the time of the training.

3 A person under paragraph (20) is entitled to eligible  
4 creditable service for service credit earned under this  
5 Article on and after his or her transfer by Executive Order No.  
6 2003-10, Executive Order No. 2004-2, or Executive Order No.  
7 2016-1.

8 (c) For the purposes of this Section:

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

12 (2) The term "fire fighter in the fire protection  
13 service of a department" includes all officers in such  
14 fire protection service including fire chiefs and  
15 assistant 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  
22 license; however, the change in this definition made by  
23 Public Act 83-842 ~~this amendatory Act of 1983~~ shall not  
24 operate to exclude any noncovered employee who was an "air  
25 pilot" for the purposes of this Section on January 1,  
26 1984.

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

14           (5) The term "investigator for the Secretary of State"  
15 means any person employed by the Office of the Secretary  
16 of State and vested with such investigative duties as  
17 render him 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.

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

1 with subsection (a), notwithstanding that he has less than  
2 20 years of credit for such service.

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

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

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

25 The term "investigator for the Illinois Gaming Board"  
26 means any person employed as such by the Illinois Gaming

1 Board and vested with such peace officer duties as render  
2 the person ineligible for coverage under the Social  
3 Security Act by reason of Sections 218(d)(5)(A),  
4 218(d)(8)(D), and 218(1)(1) of that Act.

5 (8) The term "security employee of the Department of  
6 Human Services" means any person employed by the  
7 Department of Human Services who (i) is employed at the  
8 Chester Mental Health Center and has daily contact with  
9 the residents thereof, (ii) is employed within a security  
10 unit at a facility operated by the Department and has  
11 daily contact with the residents of the security unit,  
12 (iii) is employed at a facility operated by the Department  
13 that includes a security unit and is regularly scheduled  
14 to work at least 50% of his or her working hours within  
15 that security unit, or (iv) is a mental health police  
16 officer. "Mental health police officer" means any person  
17 employed by the Department of Human Services in a position  
18 pertaining to the Department's mental health and  
19 developmental disabilities functions who is vested with  
20 such law enforcement duties as render the person  
21 ineligible for coverage under the Social Security Act by  
22 reason of Sections 218(d)(5)(A), 218(d)(8)(D) and  
23 218(1)(1) of that Act. "Security unit" means that portion  
24 of a facility that is devoted to the care, containment,  
25 and treatment of persons committed to the Department of  
26 Human Services as sexually violent persons, persons unfit

1 to stand trial, or persons not guilty by reason of  
2 insanity. With respect to past employment, references to  
3 the Department of Human Services include its predecessor,  
4 the Department of Mental Health and Developmental  
5 Disabilities.

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

9 (9) "Central Management Services security police  
10 officer" means any person employed by the Department of  
11 Central Management Services who is vested with such law  
12 enforcement duties as render him ineligible for coverage  
13 under the Social Security Act by reason of Sections  
14 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

15 (10) For a member who first became an employee under  
16 this Article before July 1, 2005, the term "security  
17 employee of the Department of Corrections or the  
18 Department of Juvenile Justice" means any employee of the  
19 Department of Corrections or the Department of Juvenile  
20 Justice or the former Department of Personnel, and any  
21 member or employee of the Prisoner Review Board, who has  
22 daily contact with inmates or youth by working within a  
23 correctional facility or Juvenile facility operated by the  
24 Department of Juvenile Justice or who is a parole officer  
25 or an employee who has direct contact with committed  
26 persons in the performance of his or her job duties. For a

1 member who first becomes an employee under this Article on  
2 or after July 1, 2005, the term means an employee of the  
3 Department of Corrections or the Department of Juvenile  
4 Justice who is any of the following: (i) officially  
5 headquartered at a correctional facility or Juvenile  
6 facility operated by the Department of Juvenile Justice,  
7 (ii) a parole officer, (iii) a member of the apprehension  
8 unit, (iv) a member of the intelligence unit, (v) a member  
9 of the sort team, or (vi) an investigator.

10 (11) The term "dangerous drugs investigator" means any  
11 person who is employed as such by the Department of Human  
12 Services.

13 (12) The term "investigator for the Illinois State  
14 Police" means a person employed by the Illinois State  
15 Police who is vested under Section 4 of the Narcotic  
16 Control Division Abolition Act with such law enforcement  
17 powers as render him ineligible for coverage under the  
18 Social Security Act by reason of Sections 218(d)(5)(A),  
19 218(d)(8)(D) and 218(1)(1) of that Act.

20 (13) "Investigator for the Office of the Attorney  
21 General" means any person who is employed as such by the  
22 Office of the Attorney General and is vested with such  
23 investigative duties as render him ineligible for coverage  
24 under the Social Security Act by reason of Sections  
25 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act. For  
26 the period before January 1, 1989, the term includes all

1 persons who were employed as investigators by the Office  
2 of the Attorney General, without regard to social security  
3 status.

4 (14) "Controlled substance inspector" means any person  
5 who is employed as such by the Department of Professional  
6 Regulation and is vested with such law enforcement duties  
7 as render him ineligible for coverage under the Social  
8 Security Act by reason of Sections 218(d)(5)(A),  
9 218(d)(8)(D) and 218(1)(1) of that Act. The term  
10 "controlled substance inspector" includes the Program  
11 Executive of Enforcement and the Assistant Program  
12 Executive of Enforcement.

13 (15) The term "investigator for the Office of the  
14 State's Attorneys Appellate Prosecutor" means a person  
15 employed in that capacity on a full-time ~~full-time~~ basis  
16 under the authority of Section 7.06 of the State's  
17 Attorneys Appellate Prosecutor's Act.

18 (16) "Commerce Commission police officer" means any  
19 person employed by the Illinois Commerce Commission who is  
20 vested with such law enforcement duties as render him  
21 ineligible for coverage under the Social Security Act by  
22 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and  
23 218(1)(1) of that Act.

24 (17) "Arson investigator" means any person who is  
25 employed as such by the Office of the State Fire Marshal  
26 and is vested with such law enforcement duties as render



1 the person ineligible for coverage under the Social  
2 Security Act by reason of Sections 218(d)(5)(A),  
3 218(d)(8)(D), and 218(1)(1) of that Act. A person who was  
4 employed as an arson investigator on January 1, 1995 and  
5 is no longer in service but not yet receiving a retirement  
6 annuity may convert his or her creditable service for  
7 employment as an arson investigator into eligible  
8 creditable service by paying to the System the difference  
9 between the employee contributions actually paid for that  
10 service and the amounts that would have been contributed  
11 if the applicant were contributing at the rate applicable  
12 to persons with the same social security status earning  
13 eligible creditable service on the date of application.

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

16 (i) A person employed on a full-time basis by the  
17 Illinois Department of Transportation in the position  
18 of highway maintainer, highway maintenance lead  
19 worker, highway maintenance lead/lead worker, heavy  
20 construction equipment operator, power shovel  
21 operator, or bridge mechanic; and whose principal  
22 responsibility is to perform, on the roadway, the  
23 actual maintenance necessary to keep the highways that  
24 form a part of the State highway system in serviceable  
25 condition for vehicular traffic.

26 (ii) A person employed on a full-time basis by the

1 Illinois State Toll Highway Authority in the position  
2 of equipment operator/laborer H-4, equipment  
3 operator/laborer H-6, welder H-4, welder H-6,  
4 mechanical/electrical H-4, mechanical/electrical H-6,  
5 water/sewer H-4, water/sewer H-6, sign maker/hanger  
6 H-4, sign maker/hanger H-6, roadway lighting H-4,  
7 roadway lighting H-6, structural H-4, structural H-6,  
8 painter H-4, or painter H-6; and whose principal  
9 responsibility is to perform, on the roadway, the  
10 actual maintenance necessary to keep the Authority's  
11 tollways in serviceable condition for vehicular  
12 traffic.

13 (19) The term "security employee of the Department of  
14 Innovation and Technology" means a person who was a  
15 security employee of the Department of Corrections or the  
16 Department of Juvenile Justice, was transferred to the  
17 Department of Innovation and Technology pursuant to  
18 Executive Order 2016-01, and continues to perform similar  
19 job functions under that Department.

20 (20) "Transferred employee" means an employee who was  
21 transferred to the Department of Central Management  
22 Services by Executive Order No. 2003-10 or Executive Order  
23 No. 2004-2 or transferred to the Department of Innovation  
24 and Technology by Executive Order No. 2016-1, or both, and  
25 was entitled to eligible creditable service for services  
26 immediately preceding the transfer.

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

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

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

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

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

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

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

26 Persons who have service credit under Article 16 of this

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

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

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

1 employee contributions actually paid, plus (2) if payment is  
2 made after July 31, 1987, regular interest on the amount  
3 specified in item (1) from the date of service to the date of  
4 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  
9 be deemed to have been service as a noncovered employee,  
10 provided that the employee pays to the System prior to  
11 retirement an amount equal to (1) the difference between the  
12 employee contributions that would have been required for such  
13 service as a noncovered employee, and the amount of employee  
14 contributions actually paid, plus (2) if payment is made after  
15 January 1, 1990, regular interest on the amount specified in  
16 item (1) from 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  
21 an 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

1 for each year, compounded annually, from the date of service  
2 to the 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  
14 for each year, compounded annually, from the date of service  
15 to the 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

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

20 Subject to the limitation in subsection (i), a State  
21 policeman, arson investigator, or Commerce Commission police  
22 officer may elect to establish eligible creditable service for  
23 up to 5 years of service as a person employed by a  
24 participating municipality to perform police duties under  
25 Article 7, a county corrections officer, a court services  
26 officer under Article 9, or a firefighter under Article 4 by

1 filing a written election with the Board within 6 months after  
2 July 30, 2021 (the effective date of Public Act 102-210) ~~this~~  
3 ~~amendatory Act of the 102nd General Assembly~~ and paying to the  
4 System an amount to be determined by the Board equal to (i) the  
5 difference between the amount of employee and employer  
6 contributions transferred to the System under Sections  
7 4-108.8, 7-139.8, and 9-121.10 and the amounts that would have  
8 been contributed had such contributions been made at the rates  
9 applicable to State policemen, plus (ii) interest thereon at  
10 the actuarially assumed rate for each year, compounded  
11 annually, from the date of service to the date of payment.

12 Subject to the limitation in subsection (i), a  
13 conservation police officer may elect to establish eligible  
14 creditable service for up to 5 years of service as a person  
15 employed by a participating municipality to perform police  
16 duties under Article 7, a county corrections officer, or a  
17 court services officer under Article 9 by filing a written  
18 election with the Board within 6 months after July 30, 2021  
19 (the effective date of Public Act 102-210) ~~this amendatory Act~~  
20 ~~of the 102nd General Assembly~~ and paying to the System 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 Sections 7-139.8  
24 and 9-121.10 and the amounts that would have been contributed  
25 had such contributions been made at the rates applicable to  
26 State policemen, plus (ii) interest thereon at the actuarially

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

3 Notwithstanding the limitation in subsection (i), a State  
4 policeman or conservation police officer may elect to convert  
5 service credit earned under this Article to eligible  
6 creditable service, as defined by this Section, by filing a  
7 written election with the board within 6 months after July 30,  
8 2021 (the effective date of Public Act 102-210) ~~this~~  
9 ~~amendatory Act of the 102nd General Assembly~~ and paying to the  
10 System an amount to be determined by the Board equal to (i) the  
11 difference between the amount of employee contributions  
12 originally paid for that service and the amounts that would  
13 have been contributed had such contributions been made at the  
14 rates applicable to State policemen, plus (ii) the difference  
15 between the employer's normal cost of the credit prior to the  
16 conversion authorized by Public Act 102-210 ~~this amendatory~~  
17 ~~Act of the 102nd General Assembly~~ and the employer's normal  
18 cost of the credit converted in accordance with Public Act  
19 102-210 ~~this amendatory Act of the 102nd General Assembly,~~  
20 plus (iii) interest thereon at the actuarially assumed rate  
21 for each year, compounded annually, from the date of service  
22 to the date of payment.

23 Subject to the limitation in subsection (i), an  
24 investigator for the Illinois Liquor Control Commission may  
25 elect to establish eligible creditable service for up to 5  
26 years of service as a police officer under Article 3, a

1 policeman under Article 5, a sheriff's law enforcement  
2 employee under Article 7, or a member of the county police  
3 department under Article 9 by filing a written election with  
4 the Board within 6 months after the effective date of this  
5 amendatory Act of the 102nd General Assembly and paying to the  
6 System an amount to be determined by the Board, equal to (i)  
7 the difference between the amount of employee and employer  
8 contributions transferred to the System under Section 3-110.6,  
9 5-236, 7-139.8, or 9-121.10 and the amounts that would have  
10 been contributed had such contributions been made at the rates  
11 applicable to State policemen, plus (ii) interest thereon at  
12 the actuarially assumed rate for each year, compounded  
13 annually, from the date of service to the date of payment.

14 (i) The total amount of eligible creditable service  
15 established by any person under subsections (g), (h), (j),  
16 (k), (l), (l-5), ~~and~~ (o), and (p) of this Section shall not  
17 exceed 12 years.

18 (j) Subject to the limitation in subsection (i), an  
19 investigator for the Office of the State's Attorneys Appellate  
20 Prosecutor or a controlled substance inspector may elect to  
21 establish eligible creditable service for up to 10 years of  
22 his service as a policeman under Article 3 or a sheriff's law  
23 enforcement employee under Article 7, by filing a written  
24 election with the Board, accompanied by payment of an amount  
25 to be determined by the Board, equal to (1) the difference  
26 between the amount of employee and employer contributions

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

7 (k) Subject to the limitation in subsection (i) of this  
8 Section, an alternative formula employee may elect to  
9 establish eligible creditable service for periods spent as a  
10 full-time law enforcement officer or full-time corrections  
11 officer employed by the federal government or by a state or  
12 local government located outside of Illinois, for which credit  
13 is not held in any other public employee pension fund or  
14 retirement system. To obtain this credit, the applicant must  
15 file a written application with the Board by March 31, 1998,  
16 accompanied by evidence of eligibility acceptable to the Board  
17 and payment of an amount to be determined by the Board, equal  
18 to (1) employee contributions for the credit being  
19 established, based upon the applicant's salary on the first  
20 day as an alternative formula employee after the employment  
21 for which credit is being established and the rates then  
22 applicable to alternative formula employees, plus (2) an  
23 amount determined by the Board to be the employer's normal  
24 cost of the benefits accrued for the credit being established,  
25 plus (3) regular interest on the amounts in items (1) and (2)  
26 from the first day as an alternative formula employee after

1 the employment for which credit is being established to the  
2 date of payment.

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

17 (1-5) Subject to the limitation in subsection (i) of this  
18 Section, a State policeman may elect to establish eligible  
19 creditable service for up to 5 years of service as a full-time  
20 law enforcement officer employed by the federal government or  
21 by a state or local government located outside of Illinois for  
22 which credit is not held in any other public employee pension  
23 fund or retirement system. To obtain this credit, the  
24 applicant must file a written application with the Board no  
25 later than 3 years after January 1, 2020 (the effective date of  
26 Public Act 101-610) ~~this amendatory Act of the 101st General~~

1 ~~Assembly~~, accompanied by evidence of eligibility acceptable to  
2 the Board and payment of an amount to be determined by the  
3 Board, equal to (1) employee contributions for the credit  
4 being established, based upon the applicant's salary on the  
5 first day as an alternative formula employee after the  
6 employment for which credit is being established and the rates  
7 then applicable to alternative formula employees, plus (2) an  
8 amount determined by the Board to be the employer's normal  
9 cost of the benefits accrued for the credit being established,  
10 plus (3) regular interest on the amounts in items (1) and (2)  
11 from the first day as an alternative formula employee after  
12 the employment for which credit is being established to the  
13 date of payment.

14 (m) The amendatory changes to this Section made by Public  
15 Act 94-696 ~~this amendatory Act of the 94th General Assembly~~  
16 apply only to: (1) security employees of the Department of  
17 Juvenile Justice employed by the Department of Corrections  
18 before June 1, 2006 (the effective date of Public Act 94-696)  
19 ~~this amendatory Act of the 94th General Assembly~~ and  
20 transferred to the Department of Juvenile Justice by Public  
21 Act 94-696 ~~this amendatory Act of the 94th General Assembly~~;  
22 and (2) persons employed by the Department of Juvenile Justice  
23 on or after June 1, 2006 (the effective date of Public Act  
24 94-696) ~~this amendatory Act of the 94th General Assembly~~ who  
25 are required by subsection (b) of Section 3-2.5-15 of the  
26 Unified Code of Corrections to have any bachelor's or advanced

1 degree from an accredited college or university or, in the  
2 case of persons who provide vocational training, who are  
3 required to have adequate knowledge in the skill for which  
4 they are providing the vocational training.

5 (n) A person employed in a position under subsection (b)  
6 of this Section who has purchased service credit under  
7 subsection (j) of Section 14-104 or subsection (b) of Section  
8 14-105 in any other capacity under this Article may convert up  
9 to 5 years of that service credit into service credit covered  
10 under this Section by paying to the Fund an amount equal to (1)  
11 the additional employee contribution required under Section  
12 14-133, plus (2) the additional employer contribution required  
13 under Section 14-131, plus (3) interest on items (1) and (2) at  
14 the actuarially assumed rate from the date of the service to  
15 the date of payment.

16 (o) Subject to the limitation in subsection (i), a  
17 conservation police officer, investigator for the Secretary of  
18 State, Commerce Commission police officer, investigator for  
19 the Department of Revenue or the Illinois Gaming Board, or  
20 arson investigator subject to subsection (g) of Section 1-160  
21 may elect to convert up to 8 years of service credit  
22 established before January 1, 2020 (the effective date of  
23 Public Act 101-610) ~~this amendatory Act of the 101st General~~  
24 ~~Assembly~~ as a conservation police officer, investigator for  
25 the Secretary of State, Commerce Commission police officer,  
26 investigator for the Department of Revenue or the Illinois



1 Gaming Board, or arson investigator under this Article into  
2 eligible creditable service by filing a written election with  
3 the Board no later than one year after January 1, 2020 (the  
4 effective date of Public Act 101-610) ~~this amendatory Act of~~  
5 ~~the 101st General Assembly~~, accompanied by payment of an  
6 amount to be determined by the Board equal to (i) the  
7 difference between the amount of the employee contributions  
8 actually paid for that service and the amount of the employee  
9 contributions that would have been paid had the employee  
10 contributions been made as a noncovered employee serving in a  
11 position in which eligible creditable service, as defined in  
12 this Section, may be earned, plus (ii) interest thereon at the  
13 effective rate for each year, compounded annually, from the  
14 date of service to the date of payment.

15 (p) Subject to the limitation in subsection (i), an  
16 investigator for the Illinois Liquor Control Commission may  
17 elect to convert up to 8 years of service credit established  
18 before the effective date of this amendatory Act of the 102nd  
19 General Assembly as an investigator for the Illinois Liquor  
20 Control Commission under this Article into eligible creditable  
21 service by filing a written election with the Board no later  
22 than one year after the effective date of this amendatory Act  
23 of the 102nd General Assembly, accompanied by payment of an  
24 amount to be determined by the Board equal to (i) the  
25 difference between the amount of the employee contributions  
26 actually paid for that service and the amount of the employee

1 contributions that would have been paid had the employee  
2 contributions been made as a noncovered employee serving in a  
3 position in which eligible creditable service, as defined in  
4 this Section, may be earned, plus (ii) interest thereon at the  
5 effective rate for each year, compounded annually, from the  
6 date of service to the date of payment.

7 (Source: P.A. 101-610, eff. 1-1-20; 102-210, eff. 7-30-21;  
8 102-538, eff. 8-20-21; revised 10-12-21.)

9 (40 ILCS 5/14-152.1)

10 Sec. 14-152.1. Application and expiration of new benefit  
11 increases.

12 (a) As used in this Section, "new benefit increase" means  
13 an increase in the amount of any benefit provided under this  
14 Article, or an expansion of the conditions of eligibility for  
15 any benefit under this Article, that results from an amendment  
16 to this Code that takes effect after June 1, 2005 (the  
17 effective date of Public Act 94-4). "New benefit increase",  
18 however, does not include any benefit increase resulting from  
19 the changes made to Article 1 or this Article by Public Act  
20 96-37, Public Act 100-23, Public Act 100-587, Public Act  
21 100-611, Public Act 101-10, Public Act 101-610, Public Act  
22 101-610, Public Act 102-210, or this amendatory Act of the  
23 102nd General Assembly ~~or this amendatory Act of the 102nd~~  
24 ~~General Assembly.~~

25 (b) Notwithstanding any other provision of this Code or

1 any subsequent amendment to this Code, every new benefit  
2 increase is subject to this Section and shall be deemed to be  
3 granted only in conformance with and contingent upon  
4 compliance with the provisions of this Section.

5 (c) The Public Act enacting a new benefit increase must  
6 identify and provide for payment to the System of additional  
7 funding at least sufficient to fund the resulting annual  
8 increase in cost to the System as it accrues.

9 Every new benefit increase is contingent upon the General  
10 Assembly providing the additional funding required under this  
11 subsection. The Commission on Government Forecasting and  
12 Accountability shall analyze whether adequate additional  
13 funding has been provided for the new benefit increase and  
14 shall report its analysis to the Public Pension Division of  
15 the Department of Insurance. A new benefit increase created by  
16 a Public Act that does not include the additional funding  
17 required under this subsection is null and void. If the Public  
18 Pension Division determines that the additional funding  
19 provided for a new benefit increase under this subsection is  
20 or has become inadequate, it may so certify to the Governor and  
21 the State Comptroller and, in the absence of corrective action  
22 by the General Assembly, the new benefit increase shall expire  
23 at the end of the fiscal year in which the certification is  
24 made.

25 (d) Every new benefit increase shall expire 5 years after  
26 its effective date or on such earlier date as may be specified

1 in the language enacting the new benefit increase or provided  
2 under subsection (c). This does not prevent the General  
3 Assembly from extending or re-creating a new benefit increase  
4 by law.

5 (e) Except as otherwise provided in the language creating  
6 the new benefit increase, a new benefit increase that expires  
7 under this Section continues to apply to persons who applied  
8 and qualified for the affected benefit while the new benefit  
9 increase was in effect and to the affected beneficiaries and  
10 alternate payees of such persons, but does not apply to any  
11 other person, including, without limitation, a person who  
12 continues in service after the expiration date and did not  
13 apply and qualify for the affected benefit while the new  
14 benefit increase was in effect.

15 (Source: P.A. 101-10, eff. 6-5-19; 101-81, eff. 7-12-19;  
16 101-610, eff. 1-1-20; 102-210, eff. 7-30-21.)

17 Section 10. The Liquor Control Act of 1934 is amended by  
18 changing Sections 3-12, 4-4, 8-2, 10-8, and 10-6 and by adding  
19 Section 3-4.1 as follows:

20 (235 ILCS 5/3-4.1 new)

21 Sec. 3-4.1. Obtaining evidence. The State Commission has  
22 the power to expend sums that the Executive Director deems  
23 necessary for the purchase of evidence and for the employment  
24 of persons to obtain evidence. The sums shall be advanced to

1 employees authorized by the Executive Director to expend  
2 funds, on vouchers signed by the Executive Director.

3 In addition, the Executive Director is authorized to  
4 maintain one or more commercial checking accounts with any  
5 State banking corporation or corporations organized under or  
6 subject to the Illinois Banking Act for the deposit and  
7 withdrawal of moneys to be used solely for the purchase of  
8 evidence and for the employment of persons to obtain evidence.  
9 No check may be written on nor any withdrawal made from such an  
10 account except on the written signature of 2 persons  
11 designated by the Executive Director to write those checks and  
12 make those withdrawals. The balance of moneys on deposit in  
13 any such account shall not exceed \$25,000 at any time, nor  
14 shall any one check written on or single withdrawal made from  
15 any such account exceed \$25,000.

16 (235 ILCS 5/3-12)

17 Sec. 3-12. Powers and duties of State Commission.

18 (a) The State Commission shall have the following powers,  
19 functions, and duties:

20 (1) To receive applications and to issue licenses to  
21 manufacturers, foreign importers, importing distributors,  
22 distributors, non-resident dealers, on premise consumption  
23 retailers, off premise sale retailers, special event  
24 retailer licensees, special use permit licenses, auction  
25 liquor licenses, brew pubs, caterer retailers,

1 non-beverage users, railroads, including owners and  
2 lessees of sleeping, dining and cafe cars, airplanes,  
3 boats, brokers, and wine maker's premises licensees in  
4 accordance with the provisions of this Act, and to suspend  
5 or revoke such licenses upon the State Commission's  
6 determination, upon notice after hearing, that a licensee  
7 has violated any provision of this Act or any rule or  
8 regulation issued pursuant thereto and in effect for 30  
9 days prior to such violation. Except in the case of an  
10 action taken pursuant to a violation of Section 6-3, 6-5,  
11 or 6-9, any action by the State Commission to suspend or  
12 revoke a licensee's license may be limited to the license  
13 for the specific premises where the violation occurred. An  
14 action for a violation of this Act shall be commenced by  
15 the State Commission not more than 18 months after  
16 conviction of the violation of the Act or other State law  
17 in a circuit court or, if there has not been a conviction,  
18 not more than 3 years after the violation occurred ~~within~~  
19 ~~2 years after the date the State Commission becomes aware~~  
20 ~~of the violation.~~

21 In lieu of suspending or revoking a license, the  
22 commission may impose a fine, upon the State Commission's  
23 determination and notice after hearing, that a licensee  
24 has violated any provision of this Act or any rule or  
25 regulation issued pursuant thereto and in effect for 30  
26 days prior to such violation.

1           For the purpose of this paragraph (1), when  
2           determining multiple violations for the sale of alcohol to  
3           a person under the age of 21, a second or subsequent  
4           violation for the sale of alcohol to a person under the age  
5           of 21 shall only be considered if it was committed within 5  
6           years after the date when a prior violation for the sale of  
7           alcohol to a person under the age of 21 was committed.

8           The fine imposed under this paragraph may not exceed  
9           \$500 for each violation. Each day that the activity, which  
10          gave rise to the original fine, continues is a separate  
11          violation. The maximum fine that may be levied against any  
12          licensee, for the period of the license, shall not exceed  
13          \$20,000. The maximum penalty that may be imposed on a  
14          licensee for selling a bottle of alcoholic liquor with a  
15          foreign object in it or serving from a bottle of alcoholic  
16          liquor with a foreign object in it shall be the  
17          destruction of that bottle of alcoholic liquor for the  
18          first 10 bottles so sold or served from by the licensee.  
19          For the eleventh bottle of alcoholic liquor and for each  
20          third bottle thereafter sold or served from by the  
21          licensee with a foreign object in it, the maximum penalty  
22          that may be imposed on the licensee is the destruction of  
23          the bottle of alcoholic liquor and a fine of up to \$50.

24          Any notice issued by the State Commission to a  
25          licensee for a violation of this Act or any notice with  
26          respect to settlement or offer in compromise shall ~~include~~

1 ~~the field report, photographs, and any other supporting~~  
2 ~~documentation necessary to~~ reasonably inform the licensee  
3 of the nature and extent of the violation or the conduct  
4 alleged to have occurred, which may include, but is not  
5 limited to, the field report, photographs, and any other  
6 supporting documentation. The failure to reasonably inform  
7 the licensee ~~include such required documentation~~ shall  
8 result in the dismissal of the action.

9 (2) To adopt such rules and regulations consistent  
10 with the provisions of this Act which shall be necessary  
11 to carry on its functions and duties to the end that the  
12 health, safety and welfare of the People of the State of  
13 Illinois shall be protected and temperance in the  
14 consumption of alcoholic liquors shall be fostered and  
15 promoted and to distribute copies of such rules and  
16 regulations to all licensees affected thereby.

17 (3) To call upon other administrative departments of  
18 the State, county and municipal governments, county and  
19 city police departments and upon prosecuting officers for  
20 such information and assistance as it deems necessary in  
21 the performance of its duties.

22 (4) To recommend to local commissioners rules and  
23 regulations, not inconsistent with the law, for the  
24 distribution and sale of alcoholic liquors throughout the  
25 State.

26 (5) To inspect, or cause to be inspected, at



1       reasonable times any premises in this State where  
2       alcoholic liquors are manufactured, distributed,  
3       warehoused, or sold. Nothing in this Act authorizes an  
4       agent of the State Commission to inspect private areas  
5       within the premises without reasonable suspicion or a  
6       warrant during an inspection. "Private areas" include, but  
7       are not limited to, safes, personal property, and closed  
8       desks.

9       For the purposes of this paragraph (5), the term "at  
10      reasonable times" means (i) during normal business hours;  
11      (ii) during the hours of operation of the business; (iii)  
12      any time the business is found to be operating; or (iv) any  
13      time when a customer is in the business, including before  
14      or after the hours of operation of such business.

15       (5.1) Upon receipt of a complaint or upon having  
16       knowledge that any person is engaged in business as a  
17       manufacturer, importing distributor, distributor, or  
18       retailer without a license or valid license, to conduct an  
19       investigation. If, after conducting an investigation, the  
20       State Commission is satisfied that the alleged conduct  
21       occurred or is occurring, it may issue a cease and desist  
22       notice as provided in this Act, impose civil penalties as  
23       provided in this Act, notify the local liquor authority,  
24       or file a complaint with the State's Attorney's Office of  
25       the county where the incident occurred or the Attorney  
26       General.

1           (5.2) Upon receipt of a complaint or upon having  
2 knowledge that any person is shipping alcoholic liquor  
3 into this State from a point outside of this State if the  
4 shipment is in violation of this Act, to conduct an  
5 investigation. If, after conducting an investigation, the  
6 State Commission is satisfied that the alleged conduct  
7 occurred or is occurring, it may issue a cease and desist  
8 notice as provided in this Act, impose civil penalties as  
9 provided in this Act, notify the foreign jurisdiction, or  
10 file a complaint with the State's Attorney's Office of the  
11 county where the incident occurred or the Attorney  
12 General.

13           (5.3) To receive complaints from licensees, local  
14 officials, law enforcement agencies, organizations, and  
15 persons stating that any licensee has been or is violating  
16 any provision of this Act or the rules and regulations  
17 issued pursuant to this Act. Such complaints shall be in  
18 writing, signed and sworn to by the person making the  
19 complaint, and shall state with specificity the facts in  
20 relation to the alleged violation. If the State Commission  
21 has reasonable grounds to believe that the complaint  
22 substantially alleges a violation of this Act or rules and  
23 regulations adopted pursuant to this Act, it shall conduct  
24 an investigation. If, after conducting an investigation,  
25 the State Commission is satisfied that the alleged  
26 violation did occur, it shall proceed with disciplinary

1 action against the licensee as provided in this Act.

2 (5.4) To make arrests and issue notices of civil  
3 violations where necessary for the enforcement of this  
4 Act.

5 (5.5) To investigate any and all unlicensed activity.

6 (5.6) To impose civil penalties or fines to any person  
7 who, without holding a valid license, engages in conduct  
8 that requires a license pursuant to this Act, in an amount  
9 not to exceed \$20,000 for each offense as determined by  
10 the State Commission. A civil penalty shall be assessed by  
11 the State Commission after a hearing is held in accordance  
12 with the provisions set forth in this Act regarding the  
13 provision of a hearing for the revocation or suspension of  
14 a license.

15 (6) To hear and determine appeals from orders of a  
16 local commission in accordance with the provisions of this  
17 Act, as hereinafter set forth. Hearings under this  
18 subsection shall be held in Springfield or Chicago, at  
19 whichever location is the more convenient for the majority  
20 of persons who are parties to the hearing.

21 (7) The State Commission shall establish uniform  
22 systems of accounts to be kept by all retail licensees  
23 having more than 4 employees, and for this purpose the  
24 State Commission may classify all retail licensees having  
25 more than 4 employees and establish a uniform system of  
26 accounts for each class and prescribe the manner in which

1 such accounts shall be kept. The State Commission may also  
2 prescribe the forms of accounts to be kept by all retail  
3 licensees having more than 4 employees, including, but not  
4 limited to, accounts of earnings and expenses and any  
5 distribution, payment, or other distribution of earnings  
6 or assets, and any other forms, records, and memoranda  
7 which in the judgment of the commission may be necessary  
8 or appropriate to carry out any of the provisions of this  
9 Act, including, but not limited to, such forms, records,  
10 and memoranda as will readily and accurately disclose at  
11 all times the beneficial ownership of such retail licensed  
12 business. The accounts, forms, records, and memoranda  
13 shall be available at all reasonable times for inspection  
14 by authorized representatives of the State Commission or  
15 by any local liquor control commissioner or his or her  
16 authorized representative. The commission may, from time  
17 to time, alter, amend, or repeal, in whole or in part, any  
18 uniform system of accounts, or the form and manner of  
19 keeping accounts.

20 (8) In the conduct of any hearing authorized to be  
21 held by the State Commission, to appoint, at the  
22 commission's discretion, hearing officers to conduct  
23 hearings involving complex issues or issues that will  
24 require a protracted period of time to resolve, to  
25 examine, or cause to be examined, under oath, any  
26 licensee, and to examine or cause to be examined the books

1 and records of such licensee; to hear testimony and take  
2 proof material for its information in the discharge of its  
3 duties hereunder; to administer or cause to be  
4 administered oaths; for any such purpose to issue subpoena  
5 or subpoenas to require the attendance of witnesses and  
6 the production of books, which shall be effective in any  
7 part of this State, and to adopt rules to implement its  
8 powers under this paragraph (8).

9 Any circuit court may, by order duly entered, require  
10 the attendance of witnesses and the production of relevant  
11 books subpoenaed by the State Commission and the court may  
12 compel obedience to its order by proceedings for contempt.

13 (9) To investigate the administration of laws in  
14 relation to alcoholic liquors in this and other states and  
15 any foreign countries, and to recommend from time to time  
16 to the Governor and through him or her to the legislature  
17 of this State, such amendments to this Act, if any, as it  
18 may think desirable and as will serve to further the  
19 general broad purposes contained in Section 1-2 hereof.

20 (10) To adopt such rules and regulations consistent  
21 with the provisions of this Act which shall be necessary  
22 for the control, sale, or disposition of alcoholic liquor  
23 damaged as a result of an accident, wreck, flood, fire, or  
24 other similar occurrence.

25 (11) To develop industry educational programs related  
26 to responsible serving and selling, particularly in the

1 areas of overserving consumers and illegal underage  
2 purchasing and consumption of alcoholic beverages.

3 (11.1) To license persons providing education and  
4 training to alcohol beverage sellers and servers for  
5 mandatory and non-mandatory training under the Beverage  
6 Alcohol Sellers and Servers Education and Training  
7 (BASSET) programs and to develop and administer a public  
8 awareness program in Illinois to reduce or eliminate the  
9 illegal purchase and consumption of alcoholic beverage  
10 products by persons under the age of 21. Application for a  
11 license shall be made on forms provided by the State  
12 Commission.

13 (12) To develop and maintain a repository of license  
14 and regulatory information.

15 (13) (Blank).

16 (14) On or before April 30, 2008 and every 2 years  
17 thereafter, the State Commission shall present a written  
18 report to the Governor and the General Assembly that shall  
19 be based on a study of the impact of Public Act 95-634 on  
20 the business of soliciting, selling, and shipping wine  
21 from inside and outside of this State directly to  
22 residents of this State. As part of its report, the State  
23 Commission shall provide all of the following information:

24 (A) The amount of State excise and sales tax  
25 revenues generated.

26 (B) The amount of licensing fees received.

1 (C) The number of cases of wine shipped from  
2 inside and outside of this State directly to residents  
3 of this State.

4 (D) The number of alcohol compliance operations  
5 conducted.

6 (E) The number of winery shipper's licenses  
7 issued.

8 (F) The number of each of the following: reported  
9 violations; cease and desist notices issued by the  
10 Commission; notices of violations issued by the  
11 Commission and to the Department of Revenue; and  
12 notices and complaints of violations to law  
13 enforcement officials, including, without limitation,  
14 the Illinois Attorney General and the U.S. Department  
15 of Treasury's Alcohol and Tobacco Tax and Trade  
16 Bureau.

17 (15) As a means to reduce the underage consumption of  
18 alcoholic liquors, the State Commission shall conduct  
19 alcohol compliance operations to investigate whether  
20 businesses that are soliciting, selling, and shipping wine  
21 from inside or outside of this State directly to residents  
22 of this State are licensed by this State or are selling or  
23 attempting to sell wine to persons under 21 years of age in  
24 violation of this Act.

25 (16) The State Commission shall, in addition to  
26 notifying any appropriate law enforcement agency, submit

1 notices of complaints or violations of Sections 6-29 and  
2 6-29.1 by persons who do not hold a winery shipper's  
3 license under this Act to the Illinois Attorney General  
4 and to the U.S. Department of Treasury's Alcohol and  
5 Tobacco Tax and Trade Bureau.

6 (17) (A) A person licensed to make wine under the laws  
7 of another state who has a winery shipper's license under  
8 this Act and annually produces less than 25,000 gallons of  
9 wine or a person who has a first-class or second-class  
10 wine manufacturer's license, a first-class or second-class  
11 wine-maker's license, or a limited wine manufacturer's  
12 license under this Act and annually produces less than  
13 25,000 gallons of wine may make application to the  
14 Commission for a self-distribution exemption to allow the  
15 sale of not more than 5,000 gallons of the exemption  
16 holder's wine to retail licensees per year and to sell  
17 cider, mead, or both cider and mead to brewers, class 1  
18 brewers, class 2 brewers, and class 3 brewers that,  
19 pursuant to subsection (e) of Section 6-4 of this Act,  
20 sell beer, cider, mead, or any combination thereof to  
21 non-licensees at their breweries.

22 (B) In the application, which shall be sworn under  
23 penalty of perjury, such person shall state (1) the date  
24 it was established; (2) its volume of production and sales  
25 for each year since its establishment; (3) its efforts to  
26 establish distributor relationships; (4) that a



1 self-distribution exemption is necessary to facilitate the  
2 marketing of its wine; and (5) that it will comply with the  
3 liquor and revenue laws of the United States, this State,  
4 and any other state where it is licensed.

5 (C) The State Commission shall approve the application  
6 for a self-distribution exemption if such person: (1) is  
7 in compliance with State revenue and liquor laws; (2) is  
8 not a member of any affiliated group that produces  
9 directly or indirectly more than 25,000 gallons of wine  
10 per annum, 930,000 gallons of beer per annum, or 50,000  
11 gallons of spirits per annum; (3) will not annually  
12 produce for sale more than 25,000 gallons of wine, 930,000  
13 gallons of beer, or 50,000 gallons of spirits; and (4)  
14 will not annually sell more than 5,000 gallons of its wine  
15 to retail licensees.

16 (D) A self-distribution exemption holder shall  
17 annually certify to the State Commission its production of  
18 wine in the previous 12 months and its anticipated  
19 production and sales for the next 12 months. The State  
20 Commission may fine, suspend, or revoke a  
21 self-distribution exemption after a hearing if it finds  
22 that the exemption holder has made a material  
23 misrepresentation in its application, violated a revenue  
24 or liquor law of Illinois, exceeded production of 25,000  
25 gallons of wine, 930,000 gallons of beer, or 50,000  
26 gallons of spirits in any calendar year, or become part of

1 an affiliated group producing more than 25,000 gallons of  
2 wine, 930,000 gallons of beer, or 50,000 gallons of  
3 spirits.

4 (E) Except in hearings for violations of this Act or  
5 Public Act 95-634 or a bona fide investigation by duly  
6 sworn law enforcement officials, the State Commission, or  
7 its agents, the State Commission shall maintain the  
8 production and sales information of a self-distribution  
9 exemption holder as confidential and shall not release  
10 such information to any person.

11 (F) The State Commission shall issue regulations  
12 governing self-distribution exemptions consistent with  
13 this Section and this Act.

14 (G) Nothing in this paragraph (17) shall prohibit a  
15 self-distribution exemption holder from entering into or  
16 simultaneously having a distribution agreement with a  
17 licensed Illinois distributor.

18 (H) It is the intent of this paragraph (17) to promote  
19 and continue orderly markets. The General Assembly finds  
20 that, in order to preserve Illinois' regulatory  
21 distribution system, it is necessary to create an  
22 exception for smaller makers of wine as their wines are  
23 frequently adjusted in varietals, mixes, vintages, and  
24 taste to find and create market niches sometimes too small  
25 for distributor or importing distributor business  
26 strategies. Limited self-distribution rights will afford

1 and allow smaller makers of wine access to the marketplace  
2 in order to develop a customer base without impairing the  
3 integrity of the 3-tier system.

4 (18) (A) A class 1 brewer licensee, who must also be  
5 either a licensed brewer or licensed non-resident dealer  
6 and annually manufacture less than 930,000 gallons of  
7 beer, may make application to the State Commission for a  
8 self-distribution exemption to allow the sale of not more  
9 than 232,500 gallons per year of the exemption holder's  
10 beer to retail licensees and to brewers, class 1 brewers,  
11 and class 2 brewers that, pursuant to subsection (e) of  
12 Section 6-4 of this Act, sell beer, cider, ~~7~~ mead, or any  
13 combination thereof to non-licensees at their breweries.

14 (B) In the application, which shall be sworn under  
15 penalty of perjury, the class 1 brewer licensee shall  
16 state (1) the date it was established; (2) its volume of  
17 beer manufactured and sold for each year since its  
18 establishment; (3) its efforts to establish distributor  
19 relationships; (4) that a self-distribution exemption is  
20 necessary to facilitate the marketing of its beer; and (5)  
21 that it will comply with the alcoholic beverage and  
22 revenue laws of the United States, this State, and any  
23 other state where it is licensed.

24 (C) Any application submitted shall be posted on the  
25 State Commission's website at least 45 days prior to  
26 action by the State Commission. The State Commission shall

1 approve the application for a self-distribution exemption  
2 if the class 1 brewer licensee: (1) is in compliance with  
3 the State, revenue, and alcoholic beverage laws; (2) is  
4 not a member of any affiliated group that manufactures,  
5 directly or indirectly, more than 930,000 gallons of beer  
6 per annum, 25,000 gallons of wine per annum, or 50,000  
7 gallons of spirits per annum; (3) shall not annually  
8 manufacture for sale more than 930,000 gallons of beer,  
9 25,000 gallons of wine, or 50,000 gallons of spirits; (4)  
10 shall not annually sell more than 232,500 gallons of its  
11 beer to retail licensees and class 3 brewers and to  
12 brewers, class 1 brewers, and class 2 brewers that,  
13 pursuant to subsection (e) of Section 6-4 of this Act,  
14 sell beer, cider, mead, or any combination thereof to  
15 non-licensees at their breweries; and (5) has relinquished  
16 any brew pub license held by the licensee, including any  
17 ownership interest it held in the licensed brew pub.

18 (D) A self-distribution exemption holder shall  
19 annually certify to the State Commission its manufacture  
20 of beer during the previous 12 months and its anticipated  
21 manufacture and sales of beer for the next 12 months. The  
22 State Commission may fine, suspend, or revoke a  
23 self-distribution exemption after a hearing if it finds  
24 that the exemption holder has made a material  
25 misrepresentation in its application, violated a revenue  
26 or alcoholic beverage law of Illinois, exceeded the

1 manufacture of 930,000 gallons of beer, 25,000 gallons of  
2 wine, or 50,000 gallons of spirits in any calendar year or  
3 became part of an affiliated group manufacturing more than  
4 930,000 gallons of beer, 25,000 gallons of wine, or 50,000  
5 gallons of spirits.

6 (E) The State Commission shall issue rules and  
7 regulations governing self-distribution exemptions  
8 consistent with this Act.

9 (F) Nothing in this paragraph (18) shall prohibit a  
10 self-distribution exemption holder from entering into or  
11 simultaneously having a distribution agreement with a  
12 licensed Illinois importing distributor or a distributor.  
13 If a self-distribution exemption holder enters into a  
14 distribution agreement and has assigned distribution  
15 rights to an importing distributor or distributor, then  
16 the self-distribution exemption holder's distribution  
17 rights in the assigned territories shall cease in a  
18 reasonable time not to exceed 60 days.

19 (G) It is the intent of this paragraph (18) to promote  
20 and continue orderly markets. The General Assembly finds  
21 that in order to preserve Illinois' regulatory  
22 distribution system, it is necessary to create an  
23 exception for smaller manufacturers in order to afford and  
24 allow such smaller manufacturers of beer access to the  
25 marketplace in order to develop a customer base without  
26 impairing the integrity of the 3-tier system.

1           (19) (A) A class 1 craft distiller licensee or a  
2 non-resident dealer who manufactures less than 50,000  
3 gallons of distilled spirits per year may make application  
4 to the State Commission for a self-distribution exemption  
5 to allow the sale of not more than 5,000 gallons of the  
6 exemption holder's spirits to retail licensees per year.

7           (B) In the application, which shall be sworn under  
8 penalty of perjury, the class 1 craft distiller licensee  
9 or non-resident dealer shall state (1) the date it was  
10 established; (2) its volume of spirits manufactured and  
11 sold for each year since its establishment; (3) its  
12 efforts to establish distributor relationships; (4) that a  
13 self-distribution exemption is necessary to facilitate the  
14 marketing of its spirits; and (5) that it will comply with  
15 the alcoholic beverage and revenue laws of the United  
16 States, this State, and any other state where it is  
17 licensed.

18           (C) Any application submitted shall be posted on the  
19 State Commission's website at least 45 days prior to  
20 action by the State Commission. The State Commission shall  
21 approve the application for a self-distribution exemption  
22 if the applicant: (1) is in compliance with State revenue  
23 and alcoholic beverage laws; (2) is not a member of any  
24 affiliated group that produces more than 50,000 gallons of  
25 spirits per annum, 930,000 gallons of beer per annum, or  
26 25,000 gallons of wine per annum; (3) does not annually

1 manufacture for sale more than 50,000 gallons of spirits,  
2 930,000 gallons of beer, or 25,000 gallons of wine; and  
3 (4) does not annually sell more than 5,000 gallons of its  
4 spirits to retail licensees.

5 (D) A self-distribution exemption holder shall  
6 annually certify to the State Commission its manufacture  
7 of spirits during the previous 12 months and its  
8 anticipated manufacture and sales of spirits for the next  
9 12 months. The State Commission may fine, suspend, or  
10 revoke a self-distribution exemption after a hearing if it  
11 finds that the exemption holder has made a material  
12 misrepresentation in its application, violated a revenue  
13 or alcoholic beverage law of Illinois, exceeded the  
14 manufacture of 50,000 gallons of spirits, 930,000 gallons  
15 of beer, or 25,000 gallons of wine in any calendar year, or  
16 has become part of an affiliated group manufacturing more  
17 than 50,000 gallons of spirits, 930,000 gallons of beer,  
18 or 25,000 gallons of wine.

19 (E) The State Commission shall adopt rules governing  
20 self-distribution exemptions consistent with this Act.

21 (F) Nothing in this paragraph (19) shall prohibit a  
22 self-distribution exemption holder from entering into or  
23 simultaneously having a distribution agreement with a  
24 licensed Illinois importing distributor or a distributor.

25 (G) It is the intent of this paragraph (19) to promote  
26 and continue orderly markets. The General Assembly finds

1           that in order to preserve Illinois' regulatory  
2           distribution system, it is necessary to create an  
3           exception for smaller manufacturers in order to afford and  
4           allow such smaller manufacturers of spirits access to the  
5           marketplace in order to develop a customer base without  
6           impairing the integrity of the 3-tier system.

7           (20) (A) A class 3 brewer licensee who must manufacture  
8           less than 465,000 gallons of beer in the aggregate and not  
9           more than 155,000 gallons at any single brewery premises  
10          may make application to the State Commission for a  
11          self-distribution exemption to allow the sale of not more  
12          than 6,200 gallons of beer from each in-state or  
13          out-of-state class 3 brewery premises, which shall not  
14          exceed 18,600 gallons annually in the aggregate, that is  
15          manufactured at a wholly owned class 3 brewer's in-state  
16          or out-of-state licensed premises to retail licensees and  
17          class 3 brewers and to brewers, class 1 brewers, class 2  
18          brewers that, pursuant to subsection (e) of Section 6-4,  
19          sell beer, cider, or both beer and cider to non-licensees  
20          at their licensed breweries.

21          (B) In the application, which shall be sworn under  
22          penalty of perjury, the class 3 brewer licensee shall  
23          state:

24                  (1) the date it was established;

25                  (2) its volume of beer manufactured and sold for  
26                  each year since its establishment;



1           (3) its efforts to establish distributor  
2 relationships;

3           (4) that a self-distribution exemption is  
4 necessary to facilitate the marketing of its beer; and

5           (5) that it will comply with the alcoholic  
6 beverage and revenue laws of the United States, this  
7 State, and any other state where it is licensed.

8           (C) Any application submitted shall be posted on the  
9 State Commission's website at least 45 days before action  
10 by the State Commission. The State Commission shall  
11 approve the application for a self-distribution exemption  
12 if the class 3 brewer licensee: (1) is in compliance with  
13 the State, revenue, and alcoholic beverage laws; (2) is  
14 not a member of any affiliated group that manufacturers,  
15 directly or indirectly, more than 465,000 gallons of beer  
16 per annum;~~7~~ (3) shall not annually manufacture for sale  
17 more than 465,000 gallons of beer or more than 155,000  
18 gallons at any single brewery premises; and (4) shall not  
19 annually sell more than 6,200 gallons of beer from each  
20 in-state or out-of-state class 3 brewery premises, and  
21 shall not exceed 18,600 gallons annually in the aggregate,  
22 to retail licensees and class 3 brewers and to brewers,  
23 class 1 brewers, and class 2 brewers that, pursuant to  
24 subsection (e) of Section 6-4 of this Act, sell beer,  
25 cider, or both beer and cider to non-licensees at their  
26 breweries.

1           (D) A self-distribution exemption holder shall  
2           annually certify to the State Commission its manufacture  
3           of beer during the previous 12 months and its anticipated  
4           manufacture and sales of beer for the next 12 months. The  
5           State Commission may fine, suspend, or revoke a  
6           self-distribution exemption after a hearing if it finds  
7           that the exemption holder has made a material  
8           misrepresentation in its application, violated a revenue  
9           or alcoholic beverage law of Illinois, exceeded the  
10          manufacture of 465,000 gallons of beer in any calendar  
11          year or became part of an affiliated group manufacturing  
12          more than 465,000 gallons of beer, or exceeded the sale to  
13          retail licensees, brewers, class 1 brewers, class 2  
14          brewers, and class 3 brewers of 6,200 gallons per brewery  
15          location or 18,600 gallons in the aggregate.

16          (E) The State Commission may adopt rules governing  
17          self-distribution exemptions consistent with this Act.

18          (F) Nothing in this paragraph shall prohibit a  
19          self-distribution exemption holder from entering into or  
20          simultaneously having a distribution agreement with a  
21          licensed Illinois importing distributor or a distributor.  
22          If a self-distribution exemption holder enters into a  
23          distribution agreement and has assigned distribution  
24          rights to an importing distributor or distributor, then  
25          the self-distribution exemption holder's distribution  
26          rights in the assigned territories shall cease in a

1 reasonable time not to exceed 60 days.

2 (G) It is the intent of this paragraph to promote and  
3 continue orderly markets. The General Assembly finds that  
4 in order to preserve Illinois' regulatory distribution  
5 system, it is necessary to create an exception for smaller  
6 manufacturers in order to afford and allow such smaller  
7 manufacturers of beer access to the marketplace in order  
8 to develop a customer base without impairing the integrity  
9 of the 3-tier system.

10 (b) On or before April 30, 1999, the Commission shall  
11 present a written report to the Governor and the General  
12 Assembly that shall be based on a study of the impact of Public  
13 Act 90-739 on the business of soliciting, selling, and  
14 shipping alcoholic liquor from outside of this State directly  
15 to residents of this State.

16 As part of its report, the Commission shall provide the  
17 following information:

18 (i) the amount of State excise and sales tax revenues  
19 generated as a result of Public Act 90-739;

20 (ii) the amount of licensing fees received as a result  
21 of Public Act 90-739;

22 (iii) the number of reported violations, the number of  
23 cease and desist notices issued by the Commission, the  
24 number of notices of violations issued to the Department  
25 of Revenue, and the number of notices and complaints of  
26 violations to law enforcement officials.

1 (Source: P.A. 101-37, eff. 7-3-19; 101-81, eff. 7-12-19;  
2 101-482, eff. 8-23-19; 102-442, eff. 8-20-21; 102-558, eff.  
3 8-20-21; revised 12-13-21.)

4 (235 ILCS 5/4-4) (from Ch. 43, par. 112)

5 Sec. 4-4. Additional powers of local liquor control  
6 commissioners. Each local liquor control commissioner shall  
7 also have the following powers, functions, and duties with  
8 respect to licenses, other than licenses to manufacturers,  
9 importing distributors, distributors, foreign importers,  
10 non-resident dealers, non-beverage users, brokers, railroads,  
11 airplanes, and boats:

12 1. To grant or suspend for not more than 30 days or  
13 revoke for cause all local licenses issued to persons for  
14 premises within his jurisdiction;

15 2. To enter or to authorize any law enforcing officer  
16 to enter at reasonable times ~~any time~~ upon any premises  
17 licensed hereunder to determine whether any of the  
18 provisions of this Act or any rules or regulations adopted  
19 by him or by the State Commission have been or are being  
20 violated, and at such time to examine said premises of  
21 said licensee in connection therewith;

22 3. To notify the Secretary of State where a club  
23 incorporated under the General Not for Profit Corporation  
24 Act of 1986 or a foreign corporation functioning as a club  
25 in this State under a certificate of authority issued

1 under that Act has violated this Act by selling or  
2 offering for sale at retail alcoholic liquors without a  
3 retailer's license;

4 4. To receive a complaint from any citizen within his  
5 jurisdiction that any of the provisions of this Act, or  
6 any rules or regulations adopted pursuant hereto, have  
7 been or are being violated and to act upon the complaint in  
8 the manner hereinafter provided;

9 5. To receive local license fees and pay the same  
10 forthwith to the city, village, town, or county treasurer,  
11 as the case may be.

12 Each local liquor commissioner also has the duty to notify  
13 the Secretary of State of any convictions or dispositions of  
14 court supervision for a violation of Section 6-20 of this Act  
15 or a similar provision of a local ordinance.

16 In counties and municipalities, the local liquor control  
17 commissioners shall also have the power to levy fines in  
18 accordance with Section 7-5 of this Act.

19 For the purposes of this Section, the term "at reasonable  
20 times" means (i) during normal business hours; (ii) during the  
21 hours of operation of the business; (iii) any time the  
22 business is found to be operating; or (iv) any time when a  
23 customer is in the business, including before or after the  
24 hours of operation of such business.

25 (Source: P.A. 100-863, eff. 8-14-18.)

1 (235 ILCS 5/8-2) (from Ch. 43, par. 159)

2 Sec. 8-2. Payments; reports. It is the duty of each  
3 manufacturer with respect to alcoholic liquor produced or  
4 imported by such manufacturer, or purchased tax-free by such  
5 manufacturer from another manufacturer or importing  
6 distributor, and of each importing distributor as to alcoholic  
7 liquor purchased by such importing distributor from foreign  
8 importers or from anyone from any point in the United States  
9 outside of this State or purchased tax-free from another  
10 manufacturer or importing distributor, to pay the tax imposed  
11 by Section 8-1 to the Department of Revenue on or before the  
12 15th day of the calendar month following the calendar month in  
13 which such alcoholic liquor is sold or used by such  
14 manufacturer or by such importing distributor other than in an  
15 authorized tax-free manner or to pay that tax electronically  
16 as provided in this Section.

17 Each manufacturer and each importing distributor shall  
18 make payment under one of the following methods: (1) on or  
19 before the 15th day of each calendar month, file in person or  
20 by United States first-class mail, postage pre-paid, with the  
21 Department of Revenue, on forms prescribed and furnished by  
22 the Department, a report in writing in such form as may be  
23 required by the Department in order to compute, and assure the  
24 accuracy of, the tax due on all taxable sales and uses of  
25 alcoholic liquor occurring during the preceding month. Payment  
26 of the tax in the amount disclosed by the report shall

1 accompany the report or, (2) on or before the 15th day of each  
2 calendar month, electronically file with the Department of  
3 Revenue, on forms prescribed and furnished by the Department,  
4 an electronic report in such form as may be required by the  
5 Department in order to compute, and assure the accuracy of,  
6 the tax due on all taxable sales and uses of alcoholic liquor  
7 occurring during the preceding month. An electronic payment of  
8 the tax in the amount disclosed by the report shall accompany  
9 the report. A manufacturer or distributor who files an  
10 electronic report and electronically pays the tax imposed  
11 pursuant to Section 8-1 to the Department of Revenue on or  
12 before the 15th day of the calendar month following the  
13 calendar month in which such alcoholic liquor is sold or used  
14 by that manufacturer or importing distributor other than in an  
15 authorized tax-free manner shall pay to the Department the  
16 amount of the tax imposed pursuant to Section 8-1, less a  
17 discount which is allowed to reimburse the manufacturer or  
18 importing distributor for the expenses incurred in keeping and  
19 maintaining records, preparing and filing the electronic  
20 returns, remitting the tax, and supplying data to the  
21 Department upon request.

22 The discount shall be in an amount as follows:

23 (1) For original returns due on or after January 1,  
24 2003 through September 30, 2003, the discount shall be  
25 1.75% or \$1,250 per return, whichever is less;

26 (2) For original returns due on or after October 1,

1           2003 through September 30, 2004, the discount shall be 2%  
2           or \$3,000 per return, whichever is less; and

3           (3) For original returns due on or after October 1,  
4           2004, the discount shall be 2% or \$2,000 per return,  
5           whichever is less.

6           The Department may, if it deems it necessary in order to  
7           insure the payment of the tax imposed by this Article, require  
8           returns to be made more frequently than and covering periods  
9           of less than a month. Such return shall contain such further  
10          information as the Department may reasonably require.

11          It shall be presumed that all alcoholic liquors acquired  
12          or made by any importing distributor or manufacturer have been  
13          sold or used by him in this State and are the basis for the tax  
14          imposed by this Article unless proven, to the satisfaction of  
15          the Department, that such alcoholic liquors are (1) still in  
16          the possession of such importing distributor or manufacturer,  
17          or (2) prior to the termination of possession have been lost by  
18          theft or through unintentional destruction, or (3) that such  
19          alcoholic liquors are otherwise exempt from taxation under  
20          this Act.

21          If any payment provided for in this Section exceeds the  
22          manufacturer's or importing distributor's liabilities under  
23          this Act, as shown on an original report, the manufacturer or  
24          importing distributor may credit such excess payment against  
25          liability subsequently to be remitted to the Department under  
26          this Act, in accordance with reasonable rules adopted by the



1 Department. If the Department subsequently determines that all  
2 or any part of the credit taken was not actually due to the  
3 manufacturer or importing distributor, the manufacturer's or  
4 importing distributor's discount shall be reduced by an amount  
5 equal to the difference between the discount as applied to the  
6 credit taken and that actually due, and the manufacturer or  
7 importing distributor shall be liable for penalties and  
8 interest on such difference.

9 The Department may require any foreign importer to file  
10 monthly information returns, by the 15th day of the month  
11 following the month which any such return covers, if the  
12 Department determines this to be necessary to the proper  
13 performance of the Department's functions and duties under  
14 this Act. Such return shall contain such information as the  
15 Department may reasonably require.

16 Every manufacturer and importing distributor, except for a  
17 new applicant for a manufacturer license or importing  
18 distributor license or a manufacturer or importing distributor  
19 that in the preceding year had less than \$50,000 of tax  
20 liability under this Article, shall also file, with the  
21 Department, a bond in an amount not less than \$1,000 and not to  
22 exceed \$100,000 on a form to be approved by, and with a surety  
23 or sureties satisfactory to, the Department. Such bond shall  
24 be conditioned upon the manufacturer or importing distributor  
25 paying to the Department all monies becoming due from such  
26 manufacturer or importing distributor under this Article. The

1 Department shall fix the penalty of such bond in each case,  
2 taking into consideration the amount of alcoholic liquor  
3 expected to be sold and used by such manufacturer or importing  
4 distributor, and the penalty fixed by the Department shall be  
5 sufficient, in the Department's opinion, to protect the State  
6 of Illinois against failure to pay any amount due under this  
7 Article, but the amount of the penalty fixed by the Department  
8 shall not exceed twice the amount of tax liability of a monthly  
9 return, nor shall the amount of such penalty be less than  
10 \$1,000. The Department shall notify the State Commission of  
11 the Department's approval or disapproval of any such  
12 manufacturer's or importing distributor's bond, or of the  
13 termination or cancellation of any such bond, or of the  
14 Department's direction to a manufacturer or importing  
15 distributor that he must file additional bond in order to  
16 comply with this Section. The Commission shall not issue a  
17 license to any applicant for a manufacturer's or importing  
18 distributor's license unless the Commission has received a  
19 notification from the Department showing that such applicant  
20 has filed a satisfactory bond with the Department hereunder  
21 and that such bond has been approved by the Department.  
22 Failure by any licensed manufacturer or importing distributor  
23 to keep a satisfactory bond in effect with the Department or to  
24 furnish additional bond to the Department, when required  
25 hereunder by the Department to do so, shall be grounds for the  
26 revocation or suspension of such manufacturer's or importing

1 distributor's license by the Commission. If a manufacturer or  
2 importing distributor fails to pay any amount due under this  
3 Article, his bond with the Department shall be deemed  
4 forfeited, and the Department may institute a suit in its own  
5 name on such bond.

6 After notice and opportunity for a hearing the State  
7 Commission may revoke or suspend the license of any  
8 manufacturer or importing distributor who fails to comply with  
9 the provisions of this Section. Notice of such hearing and the  
10 time and place thereof shall be in writing and shall contain a  
11 statement of the charges against the licensee. Such notice may  
12 be given by United States registered or certified mail with  
13 return receipt requested, addressed to the person concerned at  
14 his last known address and shall be given not less than 7 days  
15 prior to the date fixed for the hearing. An order revoking or  
16 suspending a license under the provisions of this Section may  
17 be reviewed in the manner provided in Section 7-10 of this Act.  
18 No new license shall be granted to a person whose license has  
19 been revoked for a violation of this Section or, in case of  
20 suspension, shall such suspension be terminated until he has  
21 paid to the Department all taxes and penalties which he owes  
22 the State under the provisions of this Act.

23 Every manufacturer or importing distributor who has, as  
24 verified by the Department, continuously complied with the  
25 conditions of the bond under this Act for a period of 2 years  
26 shall be considered to be a prior continuous compliance

1 taxpayer. In determining the consecutive period of time for  
2 qualification as a prior continuous compliance taxpayer, any  
3 consecutive period of time of qualifying compliance  
4 immediately prior to the effective date of this amendatory Act  
5 of 1987 shall be credited to any manufacturer or importing  
6 distributor.

7 A manufacturer or importing distributor that is a prior  
8 continuous compliance taxpayer under this Section and becomes  
9 a successor as the result of an acquisition, merger, or  
10 consolidation of a manufacturer or importing distributor shall  
11 be deemed to be a prior continuous compliance taxpayer with  
12 respect to the acquired, merged, or consolidated entity.

13 Every prior continuous compliance taxpayer shall be exempt  
14 from the bond requirements of this Act until the Department  
15 has determined the taxpayer to be delinquent in the filing of  
16 any return or deficient in the payment of any tax under this  
17 Act. Any taxpayer who fails to pay an admitted or established  
18 liability under this Act may also be required to post bond or  
19 other acceptable security with the Department guaranteeing the  
20 payment of such admitted or established liability.

21 The Department shall discharge any surety and shall  
22 release and return any bond or security deposit assigned,  
23 pledged or otherwise provided to it by a taxpayer under this  
24 Section within 30 days after: (1) such taxpayer becomes a  
25 prior continuous compliance taxpayer; or (2) such taxpayer has  
26 ceased to collect receipts on which he is required to remit tax

1 to the Department, has filed a final tax return, and has paid  
2 to the Department an amount sufficient to discharge his  
3 remaining tax liability as determined by the Department under  
4 this Act.

5 (Source: P.A. 100-1171, eff. 1-4-19; 101-37, eff. 7-3-19.)

6 (235 ILCS 5/10-6) (from Ch. 43, par. 188)

7 Sec. 10-6. Forfeiture. Any person who shall knowingly  
8 possess, sell, ship, transport or in any wise dispose of any  
9 alcoholic liquor under any other than the proper name or brand  
10 known to the trade as designating the kind and quality of the  
11 contents of the package or other containers of said alcoholic  
12 liquor, ~~or~~ who shall cause any such Act to be done, or who  
13 shall knowingly possess, sell, ship, transport, or in any way  
14 dispose of any alcoholic liquor in violation of the provisions  
15 of this Act, shall have no property right of any kind in said  
16 alcoholic liquor and shall forfeit to the State said alcoholic  
17 liquor and said packages and containers and shall be subject  
18 to the punishment and penalties provided for violation of this  
19 Act.

20 (Source: P.A. 82-783.)

21 (235 ILCS 5/10-8) (from Ch. 43, par. 190)

22 Sec. 10-8. Complaints. Whenever complaint is made in  
23 writing, verified by affidavit, to any judge of the circuit  
24 court, that complainant has just and reasonable grounds to

1 believe and does believe that alcoholic liquor is  
2 manufactured, possessed, kept for sale, used or transported,  
3 in violation of this Act, or any mash, still or other property  
4 designed for the manufacture of alcoholic liquor is possessed  
5 in any premises which are not licensed hereunder,  
6 (particularly describing and designating such property in the  
7 complaint), the judge may issue a search warrant as  
8 hereinafter provided; provided, however, no search warrant  
9 shall be necessary for the inspection or search at reasonable  
10 times of any premises licensed under this Act, and provided,  
11 further, that no search warrant shall be issued for the search  
12 of premises in use for residence purposes. The property seized  
13 on any such warrant shall not be taken from the officer seizing  
14 the same on any order of replevin or other like process. For  
15 the purposes of this Section, the term "at reasonable times"  
16 means (i) during normal business hours; (ii) during the hours  
17 of operation of the business; (iii) any time the business is  
18 found to be operating; or (iv) any time when a customer is in  
19 the business, including before or after the hours of operation  
20 of such business.

21 Each complaint shall be substantially in the following  
22 form:

23 State of Illinois,)

24 ) ss.

25 County of Cook. )

26 Complaint for Search Warrant.



1 (Source: P.A. 91-357, eff. 7-29-99.)

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