



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB5447

Introduced 1/31/2022, by Rep. Dan Ugaste

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/3-120

from Ch. 108 1/2, par. 3-120

30 ILCS 805/8.46 new

Amends the Downstate Police Article of the Illinois Pension Code. In a provision that disqualifies a surviving spouse from receiving survivors benefits if the police officer marries after retirement, provides that the provision does not disqualify a surviving spouse from receiving a survivor's pension if (i) the police officer was married to the surviving spouse for at least 12 months prior to the death of the police officer and (ii) the surviving spouse has attained age 62. Provides that the benefit shall begin to accrue on the effective date of the amendatory Act or the first day of the month following the police officer's death, whichever is later. Provides that the benefits for such a surviving spouse shall terminate no later than 15 years after the benefits begin to accrue. Provides that the changes apply without regard to whether the police officer was in active service on or after the effective date of the amendatory Act. Amends the State Mandates Act to require implementation without reimbursement by the State.

LRB102 21821 RPS 30941 b

FISCAL NOTE ACT  
MAY APPLY

PENSION IMPACT  
NOTE ACT MAY  
APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning public employee benefits.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Pension Code is amended by  
5 changing Section 3-120 as follows:

6 (40 ILCS 5/3-120) (from Ch. 108 1/2, par. 3-120)

7 Sec. 3-120. Marriage after retirement.

8 (a) If a police officer marries subsequent to retirement  
9 on any pension under this Article other than a pension  
10 established under Section 3-109.3, the surviving spouse and  
11 the children of such surviving spouse shall receive no pension  
12 on the death of the officer, except as provided in subsection  
13 (b) or (c).

14 (b) Notwithstanding Section 1-103.1 of this Code, this  
15 Section shall not be deemed to disqualify from receiving a  
16 survivor's pension the surviving spouse and children of any  
17 police officer who (i) retired from service in 1973, married  
18 the surviving spouse during 1974, and died in 1988, or (ii)  
19 retired on disability in October of 1982, married the  
20 surviving spouse during 1991, and died in 1992. In the case of  
21 a person who becomes eligible for a benefit under this  
22 subsection (b), the benefit shall begin to accrue on July 1,  
23 1990 or July 1 of the year following the police officer's

1 death, whichever is later.

2 (c) This Section does not disqualify a surviving spouse  
3 from receiving a survivor's pension if (i) the police officer  
4 was married to the surviving spouse for at least 12 months  
5 prior to the police officer's death and (ii) the surviving  
6 spouse has attained age 62. For a person who becomes eligible  
7 for a benefit under this subsection (c), the benefit shall  
8 begin to accrue on the effective date of this amendatory Act of  
9 the 102nd General Assembly or the first day of the month  
10 following the police officer's death, whichever is later.  
11 Notwithstanding any other provision of this Code, the benefits  
12 for a surviving spouse who qualifies under this subsection  
13 shall terminate no later than 15 years after the benefits  
14 begin to accrue. For the purposes of Section 1-103.1 of this  
15 Code, this subsection is applicable without regard to whether  
16 the police officer was in active service on or after the  
17 effective date of this amendatory Act of the 102nd General  
18 Assembly.

19 (Source: P.A. 91-939, eff. 2-1-01.)

20 Section 90. The State Mandates Act is amended by adding  
21 Section 8.46 as follows:

22 (30 ILCS 805/8.46 new)

23 Sec. 8.46. Exempt mandate. Notwithstanding Sections 6 and  
24 8 of this Act, no reimbursement by the State is required for

1 the implementation of any mandate created by this amendatory  
2 Act of the 102nd General Assembly.