



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2025

Introduced 2/9/2023, by Sen. Cristina Castro

SYNOPSIS AS INTRODUCED:

40 ILCS 5/1-160

40 ILCS 5/14-110

40 ILCS 5/14-152.1

from Ch. 108 1/2, par. 14-110

Amends the General Provisions and State Employee Articles of the Illinois Pension Code. Provides that a security employee of the Department of Human Services subject to the Tier 2 provisions is entitled to an annuity calculated under the alternative retirement annuity provisions, in lieu of the regular or minimum retirement annuity, only if the person has withdrawn from service with not less than 20 years of eligible creditable service and has attained age 55, regardless of whether the attainment of age 55 occurs while the person is still in service. Provides that a security employee of the Department of Human Services subject to the Tier 2 provisions may convert up to 9 years of service credit established before the effective date of the amendatory Act as a security employee of the Department of Human Services under the State Employee Article into eligible creditable service by filing a written election with the Board under that Article, accompanied by a specified payment. Excludes a benefit increase resulting from the amendatory Act from the definition of "new benefit increase". Effective January 1, 2024.

LRB103 27601 RPS 53977 b

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

6 (40 ILCS 5/1-160)

7 (Text of Section from P.A. 102-719)

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

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

1 7-109.4 of this Code or who participated in a retirement
2 system under Article 15 prior to January 1, 2011 shall be
3 deemed a person who first became a member or participant prior
4 to January 1, 2011 under any retirement system or pension fund
5 subject to this Section. The changes made to this Section by
6 Public Act 98-596 are a clarification of existing law and are
7 intended to be retroactive to January 1, 2011 (the effective
8 date of Public Act 96-889), notwithstanding the provisions of
9 Section 1-103.1 of this Code.

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

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

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

1 This Section does not apply to a person who first becomes a
2 member or participant of an affected pension fund on or after 6
3 months after the resolution or ordinance date, as defined in
4 Section 1-162, unless that person elects under subsection (c)
5 of Section 1-162 to receive the benefits provided under this
6 Section and the applicable provisions of the Article under
7 which he or she is a member or participant.

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

21 (1) (Blank).

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

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

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

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

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

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

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

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

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

1 \$106,800; however, that amount shall annually thereafter be
2 increased by the lesser of (i) 3% of that amount, including all
3 previous adjustments, or (ii) one-half the annual unadjusted
4 percentage increase (but not less than zero) in the consumer
5 price index-u for the 12 months ending with the September
6 preceding each November 1, including all previous adjustments.

7 For the purposes of this Section, "consumer price index-u"
8 means the index published by the Bureau of Labor Statistics of
9 the United States Department of Labor that measures the
10 average change in prices of goods and services purchased by
11 all urban consumers, United States city average, all items,
12 1982-84 = 100. The new amount resulting from each annual
13 adjustment shall be determined by the Public Pension Division
14 of the Department of Insurance and made available to the
15 boards of the retirement systems and pension funds by November
16 1 of each year.

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

26 A member or participant who has attained age 62 (age 60,

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

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

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

1 that the member's age is under age 67 (age 65, with respect to
2 service under Article 12 that is subject to this Section, for a
3 member or participant under Article 12 who first becomes a
4 member or participant under Article 12 on or after January 1,
5 2022 or who makes the election under item (i) of subsection
6 (d-15) of this Section).

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

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

17 (i) to be eligible for the reduced retirement age
18 provided in subsections (c-5) and (d-5) of this Section,
19 the eligibility for which is conditioned upon the member
20 or participant agreeing to the increases in employee
21 contributions for age and service annuities provided in
22 subsection (a-5) of Section 8-174 of this Code (for
23 service under Article 8) or subsection (a-5) of Section
24 11-170 of this Code (for service under Article 11); or

25 (ii) to not agree to item (i) of this subsection
26 (d-10), in which case the member or participant shall

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

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

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

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

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

1 subsections (c) and (d) of this Section and shall not be
2 subject to the increase in employee contributions for
3 service annuities specified in subsection (b) of Section
4 12-150.

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

12 (e) Any retirement annuity or supplemental annuity shall
13 be subject to annual increases on the January 1 occurring
14 either on or after the attainment of age 67 (age 65, with
15 respect to service under Article 12 that is subject to this
16 Section, for a member or participant under Article 12 who
17 first becomes a member or participant under Article 12 on or
18 after January 1, 2022 or who makes the election under item (i)
19 of subsection (d-15); and beginning on July 6, 2017 (the
20 effective date of Public Act 100-23), age 65 with respect to
21 service under Article 8 or Article 11 for eligible persons
22 who: (i) are subject to subsection (c-5) of this Section; or
23 (ii) made the election under item (i) of subsection (d-10) of
24 this Section) or the first anniversary of the annuity start
25 date, whichever is later. Each annual increase shall be
26 calculated at 3% or one-half the annual unadjusted percentage

1 increase (but not less than zero) in the consumer price
2 index-u for the 12 months ending with the September preceding
3 each November 1, whichever is less, of the originally granted
4 retirement annuity. If the annual unadjusted percentage change
5 in the consumer price index-u for the 12 months ending with the
6 September preceding each November 1 is zero or there is a
7 decrease, then the 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 are
10 applicable without regard to whether the employee was in
11 active service on or after August 6, 2021 (the effective date
12 of Public Act 102-263).

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

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

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

19 (g) The benefits in Section 14-110 apply if the person is a
20 fire fighter in the fire protection service of a department, a
21 security employee of the Department of Corrections or the
22 Department of Juvenile Justice, or a security employee of the
23 Department of Innovation and Technology, as those terms are
24 defined in subsection (b) and subsection (c) of Section
25 14-110. A person who meets the requirements of this Section is
26 entitled to an annuity calculated under the provisions of

1 Section 14-110, in lieu of the regular or minimum retirement
2 annuity, only if the person has withdrawn from service with
3 not less than 20 years of eligible creditable service and has
4 attained age 60, regardless of whether the attainment of age
5 60 occurs while the person is still in service.

6 (g-1) The benefits in Section 14-110 apply if the person
7 is a security employee of the Department of Human Services, as
8 those terms are defined in subsection (b) and subsection (c)
9 of Section 14-110. A person who meets the requirements of this
10 Section is entitled to an annuity calculated under the
11 provisions of Section 14-110, in lieu of the regular or
12 minimum retirement annuity, only if the person has withdrawn
13 from service with not less than 20 years of eligible
14 creditable service and has attained age 55, regardless of
15 whether the attainment of age 55 occurs while the person is
16 still in service.

17 (g-5) The benefits in Section 14-110 apply if the person
18 is a State policeman, investigator for the Secretary of State,
19 conservation police officer, investigator for the Department
20 of Revenue or the Illinois Gaming Board, investigator for the
21 Office of the Attorney General, Commerce Commission police
22 officer, or arson investigator, as those terms are defined in
23 subsection (b) and subsection (c) of Section 14-110. A person
24 who meets the requirements of this Section is entitled to an
25 annuity calculated under the provisions of Section 14-110, in
26 lieu of the regular or minimum retirement annuity, only if the

1 person has withdrawn from service with not less than 20 years
2 of eligible creditable service and has attained age 55,
3 regardless of whether the attainment of age 55 occurs while
4 the person is still in service.

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

19 If a person who first becomes a member of a retirement
20 system or pension fund subject to this Section on or after
21 January 1, 2012 and is receiving a retirement annuity or
22 retirement pension under that system or fund and accepts on a
23 contractual basis a position to provide services to a
24 governmental entity from which he or she has retired, then
25 that person's annuity or retirement pension earned as an
26 active employee of the employer shall be suspended during that

1 contractual service. A person receiving an annuity or
2 retirement pension under this Code shall notify the pension
3 fund or retirement system from which he or she is receiving an
4 annuity or retirement pension, as well as his or her
5 contractual employer, of his or her retirement status before
6 accepting contractual employment. A person who fails to submit
7 such notification shall be guilty of a Class A misdemeanor and
8 required to pay a fine of \$1,000. Upon termination of that
9 contractual employment, the person's retirement annuity or
10 retirement pension payments shall resume and, if appropriate,
11 be recalculated under the applicable provisions of this Code.

12 (i) (Blank).

13 (j) In the case of a conflict between the provisions of
14 this Section and any other provision of this Code, the
15 provisions of this Section shall control.

16 (Source: P.A. 101-610, eff. 1-1-20; 102-16, eff. 6-17-21;
17 102-210, eff. 1-1-22; 102-263, eff. 8-6-21; 102-719, eff.
18 5-6-22.)

19 (Text of Section from P.A. 102-813)

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

21 (a) The provisions of this Section apply to a person who,
22 on or after January 1, 2011, first becomes a member or a
23 participant under any reciprocal retirement system or pension
24 fund established under this Code, other than a retirement
25 system or pension fund established under Article 2, 3, 4, 5, 6,

1 7, 15, or 18 of this Code, notwithstanding any other provision
2 of this Code to the contrary, but do not apply to any
3 self-managed plan established under this Code or to any
4 participant of the retirement plan established under Section
5 22-101; except that this Section applies to a person who
6 elected to establish alternative credits by electing in
7 writing after January 1, 2011, but before August 8, 2011,
8 under Section 7-145.1 of this Code. Notwithstanding anything
9 to the contrary in this Section, for purposes of this Section,
10 a person who is a Tier 1 regular employee as defined in Section
11 7-109.4 of this Code or who participated in a retirement
12 system under Article 15 prior to January 1, 2011 shall be
13 deemed a person who first became a member or participant prior
14 to January 1, 2011 under any retirement system or pension fund
15 subject to this Section. The changes made to this Section by
16 Public Act 98-596 are a clarification of existing law and are
17 intended to be retroactive to January 1, 2011 (the effective
18 date of Public Act 96-889), notwithstanding the provisions of
19 Section 1-103.1 of this Code.

20 This Section does not apply to a person who first becomes a
21 noncovered employee under Article 14 on or after the
22 implementation date of the plan created under Section 1-161
23 for that Article, unless that person elects under subsection
24 (b) of Section 1-161 to instead receive the benefits provided
25 under this Section and the applicable provisions of that
26 Article.

1 This Section does not apply to a person who first becomes a
2 member or participant under Article 16 on or after the
3 implementation date of the plan created under Section 1-161
4 for that Article, unless that person elects under subsection
5 (b) of Section 1-161 to instead receive the benefits provided
6 under this Section and the applicable provisions of that
7 Article.

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

11 This Section does not apply to a person who first becomes a
12 member or participant of an affected pension fund on or after 6
13 months after the resolution or ordinance date, as defined in
14 Section 1-162, unless that person elects under subsection (c)
15 of Section 1-162 to receive the benefits provided under this
16 Section and the applicable provisions of the Article under
17 which he or she is a member or participant.

18 (b) "Final average salary" means, except as otherwise
19 provided in this subsection, the average monthly (or annual)
20 salary obtained by dividing the total salary or earnings
21 calculated under the Article applicable to the member or
22 participant during the 96 consecutive months (or 8 consecutive
23 years) of service within the last 120 months (or 10 years) of
24 service in which the total salary or earnings calculated under
25 the applicable Article was the highest by the number of months
26 (or years) of service in that period. For the purposes of a

1 person who first becomes a member or participant of any
2 retirement system or pension fund to which this Section
3 applies on or after January 1, 2011, in this Code, "final
4 average salary" shall be substituted for the following:

5 (1) (Blank).

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

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

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

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

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

15 A member of the Teachers' Retirement System of the State
16 of Illinois who retires on or after June 1, 2021 and for whom
17 the 2020-2021 school year is used in the calculation of the
18 member's final average salary shall use the higher of the
19 following for the purpose of determining the member's final
20 average salary:

21 (A) the amount otherwise calculated under the first
22 paragraph of this subsection; or

23 (B) an amount calculated by the Teachers' Retirement
24 System of the State of Illinois using the average of the
25 monthly (or annual) salary obtained by dividing the total
26 salary or earnings calculated under Article 16 applicable

1 to the member or participant during the 96 months (or 8
2 years) of service within the last 120 months (or 10 years)
3 of service in which the total salary or earnings
4 calculated under the Article was the highest by the number
5 of months (or years) of service in that period.

6 (b-5) Beginning on January 1, 2011, for all purposes under
7 this Code (including without limitation the calculation of
8 benefits and employee contributions), the annual earnings,
9 salary, or wages (based on the plan year) of a member or
10 participant to whom this Section applies shall not exceed
11 \$106,800; however, that amount shall annually thereafter be
12 increased by the lesser of (i) 3% of that amount, including all
13 previous adjustments, or (ii) one-half the annual unadjusted
14 percentage increase (but not less than zero) in the consumer
15 price index-u for the 12 months ending with the September
16 preceding each November 1, including all previous adjustments.

17 For the purposes of this Section, "consumer price index-u"
18 means the index published by the Bureau of Labor Statistics of
19 the United States Department of Labor that measures the
20 average change in prices of goods and services purchased by
21 all urban consumers, United States city average, all items,
22 1982-84 = 100. The new amount resulting from each annual
23 adjustment shall be determined by the Public Pension Division
24 of the Department of Insurance and made available to the
25 boards of the retirement systems and pension funds by November
26 1 of each year.

1 (c) A member or participant is entitled to a retirement
2 annuity upon written application if he or she has attained age
3 67 (age 65, with respect to service under Article 12 that is
4 subject to this Section, for a member or participant under
5 Article 12 who first becomes a member or participant under
6 Article 12 on or after January 1, 2022 or who makes the
7 election under item (i) of subsection (d-15) of this Section)
8 and has at least 10 years of service credit and is otherwise
9 eligible under the requirements of the applicable Article.

10 A member or participant who has attained age 62 (age 60,
11 with respect to service under Article 12 that is subject to
12 this Section, for a member or participant under Article 12 who
13 first becomes a member or participant under Article 12 on or
14 after January 1, 2022 or who makes the election under item (i)
15 of subsection (d-15) of this Section) and has at least 10 years
16 of service credit and is otherwise eligible under the
17 requirements of the applicable Article may elect to receive
18 the lower retirement annuity provided in subsection (d) of
19 this Section.

20 (c-5) A person who first becomes a member or a participant
21 subject to this Section on or after July 6, 2017 (the effective
22 date of Public Act 100-23), notwithstanding any other
23 provision of this Code to the contrary, is entitled to a
24 retirement annuity under Article 8 or Article 11 upon written
25 application if he or she has attained age 65 and has at least
26 10 years of service credit and is otherwise eligible under the

1 requirements of Article 8 or Article 11 of this Code,
2 whichever is applicable.

3 (d) The retirement annuity of a member or participant who
4 is retiring after attaining age 62 (age 60, with respect to
5 service under Article 12 that is subject to this Section, for a
6 member or participant under Article 12 who first becomes a
7 member or participant under Article 12 on or after January 1,
8 2022 or who makes the election under item (i) of subsection
9 (d-15) of this Section) with at least 10 years of service
10 credit shall be reduced by one-half of 1% for each full month
11 that the member's age is under age 67 (age 65, with respect to
12 service under Article 12 that is subject to this Section, for a
13 member or participant under Article 12 who first becomes a
14 member or participant under Article 12 on or after January 1,
15 2022 or who makes the election under item (i) of subsection
16 (d-15) of this Section).

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

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

1 (i) to be eligible for the reduced retirement age
2 provided in subsections (c-5) and (d-5) of this Section,
3 the eligibility for which is conditioned upon the member
4 or participant agreeing to the increases in employee
5 contributions for age and service annuities provided in
6 subsection (a-5) of Section 8-174 of this Code (for
7 service under Article 8) or subsection (a-5) of Section
8 11-170 of this Code (for service under Article 11); or

9 (ii) to not agree to item (i) of this subsection
10 (d-10), in which case the member or participant shall
11 continue to be subject to the retirement age provisions in
12 subsections (c) and (d) of this Section and the employee
13 contributions for age and service annuity as provided in
14 subsection (a) of Section 8-174 of this Code (for service
15 under Article 8) or subsection (a) of Section 11-170 of
16 this Code (for service under Article 11).

17 The election provided for in this subsection shall be made
18 between October 1, 2017 and November 15, 2017. A person
19 subject to this subsection who makes the required election
20 shall remain bound by that election. A person subject to this
21 subsection who fails for any reason to make the required
22 election within the time specified in this subsection shall be
23 deemed to have made the election under item (ii).

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

1 either:

2 (i) to be eligible for the reduced retirement age
3 specified in subsections (c) and (d) of this Section, the
4 eligibility for which is conditioned upon the member or
5 participant agreeing to the increase in employee
6 contributions for service annuities specified in
7 subsection (b) of Section 12-150; or

8 (ii) to not agree to item (i) of this subsection
9 (d-15), in which case the member or participant shall not
10 be eligible for the reduced retirement age specified in
11 subsections (c) and (d) of this Section and shall not be
12 subject to the increase in employee contributions for
13 service annuities specified in subsection (b) of Section
14 12-150.

15 The election provided for in this subsection shall be made
16 between January 1, 2022 and April 1, 2022. A person subject to
17 this subsection who makes the required election shall remain
18 bound by that election. A person subject to this subsection
19 who fails for any reason to make the required election within
20 the time specified in this subsection shall be deemed to have
21 made the election under item (ii).

22 (e) Any retirement annuity or supplemental annuity shall
23 be subject to annual increases on the January 1 occurring
24 either on or after the attainment of age 67 (age 65, with
25 respect to service under Article 12 that is subject to this
26 Section, for a member or participant under Article 12 who

1 first becomes a member or participant under Article 12 on or
2 after January 1, 2022 or who makes the election under item (i)
3 of subsection (d-15); and beginning on July 6, 2017 (the
4 effective date of Public Act 100-23), age 65 with respect to
5 service under Article 8 or Article 11 for eligible persons
6 who: (i) are subject to subsection (c-5) of this Section; or
7 (ii) made the election under item (i) of subsection (d-10) of
8 this Section) or the first anniversary of the annuity start
9 date, whichever is later. Each annual increase shall be
10 calculated at 3% or one-half the annual unadjusted percentage
11 increase (but not less than zero) in the consumer price
12 index-u for the 12 months ending with the September preceding
13 each November 1, whichever is less, of the originally granted
14 retirement annuity. If the annual unadjusted percentage change
15 in the consumer price index-u for the 12 months ending with the
16 September preceding each November 1 is zero or there is a
17 decrease, then the annuity shall not be increased.

18 For the purposes of Section 1-103.1 of this Code, the
19 changes made to this Section by Public Act 102-263 are
20 applicable without regard to whether the employee was in
21 active service on or after August 6, 2021 (the effective date
22 of Public Act 102-263).

23 For the purposes of Section 1-103.1 of this Code, the
24 changes made to this Section by Public Act 100-23 are
25 applicable without regard to whether the employee was in
26 active service on or after July 6, 2017 (the effective date of

1 Public Act 100-23).

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

1 each November 1 is zero or there is a decrease, then the
2 annuity shall not be increased.

3 (g) The benefits in Section 14-110 apply ~~only~~ if the
4 person is a State policeman, a fire fighter in the fire
5 protection service of a department, a conservation police
6 officer, an investigator for the Secretary of State, an arson
7 investigator, a Commerce Commission police officer,
8 investigator for the Department of Revenue or the Illinois
9 Gaming Board, a security employee of the Department of
10 Corrections or the Department of Juvenile Justice, or a
11 security employee of the Department of Innovation and
12 Technology, as those terms are defined in subsection (b) and
13 subsection (c) of Section 14-110. A person who meets the
14 requirements of this Section is entitled to an annuity
15 calculated under the provisions of Section 14-110, in lieu of
16 the regular or minimum retirement annuity, only if the person
17 has withdrawn from service with not less than 20 years of
18 eligible creditable service and has attained age 60,
19 regardless of whether the attainment of age 60 occurs while
20 the person is still in service.

21 (g-1) The benefits in Section 14-110 apply if the person
22 is a security employee of the Department of Human Services, as
23 those terms are defined in subsection (b) and subsection (c)
24 of Section 14-110. A person who meets the requirements of this
25 Section is entitled to an annuity calculated under the
26 provisions of Section 14-110, in lieu of the regular or

1 minimum retirement annuity, only if the person has withdrawn
2 from service with not less than 20 years of eligible
3 creditable service and has attained age 55, regardless of
4 whether the attainment of age 55 occurs while the person is
5 still in service.

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

20 If a person who first becomes a member of a retirement
21 system or pension fund subject to this Section on or after
22 January 1, 2012 and is receiving a retirement annuity or
23 retirement pension under that system or fund and accepts on a
24 contractual basis a position to provide services to a
25 governmental entity from which he or she has retired, then
26 that person's annuity or retirement pension earned as an

1 active employee of the employer shall be suspended during that
2 contractual service. A person receiving an annuity or
3 retirement pension under this Code shall notify the pension
4 fund or retirement system from which he or she is receiving an
5 annuity or retirement pension, as well as his or her
6 contractual employer, of his or her retirement status before
7 accepting contractual employment. A person who fails to submit
8 such notification shall be guilty of a Class A misdemeanor and
9 required to pay a fine of \$1,000. Upon termination of that
10 contractual employment, the person's retirement annuity or
11 retirement pension payments shall resume and, if appropriate,
12 be recalculated under the applicable provisions of this Code.

13 (i) (Blank).

14 (j) In the case of a conflict between the provisions of
15 this Section and any other provision of this Code, the
16 provisions of this Section shall control.

17 (Source: P.A. 101-610, eff. 1-1-20; 102-16, eff. 6-17-21;
18 102-210, eff. 1-1-22; 102-263, eff. 8-6-21; 102-813, eff.
19 5-13-22.)

20 (Text of Section from P.A. 102-956)

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

22 (a) The provisions of this Section apply to a person who,
23 on or after January 1, 2011, first becomes a member or a
24 participant under any reciprocal retirement system or pension
25 fund established under this Code, other than a retirement

1 system or pension fund established under Article 2, 3, 4, 5, 6,
2 7, 15, or 18 of this Code, notwithstanding any other provision
3 of this Code to the contrary, but do not apply to any
4 self-managed plan established under this Code or to any
5 participant of the retirement plan established under Section
6 22-101; except that this Section applies to a person who
7 elected to establish alternative credits by electing in
8 writing after January 1, 2011, but before August 8, 2011,
9 under Section 7-145.1 of this Code. Notwithstanding anything
10 to the contrary in this Section, for purposes of this Section,
11 a person who is a Tier 1 regular employee as defined in Section
12 7-109.4 of this Code or who participated in a retirement
13 system under Article 15 prior to January 1, 2011 shall be
14 deemed a person who first became a member or participant prior
15 to January 1, 2011 under any retirement system or pension fund
16 subject to this Section. The changes made to this Section by
17 Public Act 98-596 are a clarification of existing law and are
18 intended to be retroactive to January 1, 2011 (the effective
19 date of Public Act 96-889), notwithstanding the provisions of
20 Section 1-103.1 of this Code.

21 This Section does not apply to a person who first becomes a
22 noncovered employee under Article 14 on or after the
23 implementation date of the plan created under Section 1-161
24 for that Article, unless that person elects under subsection
25 (b) of Section 1-161 to instead receive the benefits provided
26 under this Section and the applicable provisions of that

1 Article.

2 This Section does not apply to a person who first becomes a
3 member or participant under Article 16 on or after the
4 implementation date of the plan created under Section 1-161
5 for that Article, unless that person elects under subsection
6 (b) of Section 1-161 to instead receive the benefits provided
7 under this Section and the applicable provisions of that
8 Article.

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

12 This Section does not apply to a person who first becomes a
13 member or participant of an affected pension fund on or after 6
14 months after the resolution or ordinance date, as defined in
15 Section 1-162, unless that person elects under subsection (c)
16 of Section 1-162 to receive the benefits provided under this
17 Section and the applicable provisions of the Article under
18 which he or she is a member or participant.

19 (b) "Final average salary" means, except as otherwise
20 provided in this subsection, the average monthly (or annual)
21 salary obtained by dividing the total salary or earnings
22 calculated under the Article applicable to the member or
23 participant during the 96 consecutive months (or 8 consecutive
24 years) of service within the last 120 months (or 10 years) of
25 service in which the total salary or earnings calculated under
26 the applicable Article was the highest by the number of months

1 (or years) of service in that period. For the purposes of a
2 person who first becomes a member or participant of any
3 retirement system or pension fund to which this Section
4 applies on or after January 1, 2011, in this Code, "final
5 average salary" shall be substituted for the following:

6 (1) (Blank).

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

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

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

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

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

16 A member of the Teachers' Retirement System of the State
17 of Illinois who retires on or after June 1, 2021 and for whom
18 the 2020-2021 school year is used in the calculation of the
19 member's final average salary shall use the higher of the
20 following for the purpose of determining the member's final
21 average salary:

22 (A) the amount otherwise calculated under the first
23 paragraph of this subsection; or

24 (B) an amount calculated by the Teachers' Retirement
25 System of the State of Illinois using the average of the
26 monthly (or annual) salary obtained by dividing the total

1 salary or earnings calculated under Article 16 applicable
2 to the member or participant during the 96 months (or 8
3 years) of service within the last 120 months (or 10 years)
4 of service in which the total salary or earnings
5 calculated under the Article was the highest by the number
6 of months (or years) of service in that period.

7 (b-5) Beginning on January 1, 2011, for all purposes under
8 this Code (including without limitation the calculation of
9 benefits and employee contributions), the annual earnings,
10 salary, or wages (based on the plan year) of a member or
11 participant to whom this Section applies shall not exceed
12 \$106,800; however, that amount shall annually thereafter be
13 increased by the lesser of (i) 3% of that amount, including all
14 previous adjustments, or (ii) one-half the annual unadjusted
15 percentage increase (but not less than zero) in the consumer
16 price index-u for the 12 months ending with the September
17 preceding each November 1, including all previous adjustments.

18 For the purposes of this Section, "consumer price index-u"
19 means the index published by the Bureau of Labor Statistics of
20 the United States Department of Labor that measures the
21 average change in prices of goods and services purchased by
22 all urban consumers, United States city average, all items,
23 1982-84 = 100. The new amount resulting from each annual
24 adjustment shall be determined by the Public Pension Division
25 of the Department of Insurance and made available to the
26 boards of the retirement systems and pension funds by November

1 1 of each year.

2 (c) A member or participant is entitled to a retirement
3 annuity upon written application if he or she has attained age
4 67 (age 65, with respect to service under Article 12 that is
5 subject to this Section, for a member or participant under
6 Article 12 who first becomes a member or participant under
7 Article 12 on or after January 1, 2022 or who makes the
8 election under item (i) of subsection (d-15) of this Section)
9 and has at least 10 years of service credit and is otherwise
10 eligible under the requirements of the applicable Article.

11 A member or participant who has attained age 62 (age 60,
12 with respect to service under Article 12 that is subject to
13 this Section, for a member or participant under Article 12 who
14 first becomes a member or participant under Article 12 on or
15 after January 1, 2022 or who makes the election under item (i)
16 of subsection (d-15) of this Section) and has at least 10 years
17 of service credit and is otherwise eligible under the
18 requirements of the applicable Article may elect to receive
19 the lower retirement annuity provided in subsection (d) of
20 this Section.

21 (c-5) A person who first becomes a member or a participant
22 subject to this Section on or after July 6, 2017 (the effective
23 date of Public Act 100-23), notwithstanding any other
24 provision of this Code to the contrary, is entitled to a
25 retirement annuity under Article 8 or Article 11 upon written
26 application if he or she has attained age 65 and has at least

1 10 years of service credit and is otherwise eligible under the
2 requirements of Article 8 or Article 11 of this Code,
3 whichever is applicable.

4 (d) The retirement annuity of a member or participant who
5 is retiring after attaining age 62 (age 60, with respect to
6 service under Article 12 that is subject to this Section, for a
7 member or participant under Article 12 who first becomes a
8 member or participant under Article 12 on or after January 1,
9 2022 or who makes the election under item (i) of subsection
10 (d-15) of this Section) with at least 10 years of service
11 credit shall be reduced by one-half of 1% for each full month
12 that the member's age is under age 67 (age 65, with respect to
13 service under Article 12 that is subject to this Section, for a
14 member or participant under Article 12 who first becomes a
15 member or participant under Article 12 on or after January 1,
16 2022 or who makes the election under item (i) of subsection
17 (d-15) of this Section).

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

23 (d-10) Each person who first became a member or
24 participant under Article 8 or Article 11 of this Code on or
25 after January 1, 2011 and prior to July 6, 2017 (the effective
26 date of Public Act 100-23) shall make an irrevocable election

1 either:

2 (i) to be eligible for the reduced retirement age
3 provided in subsections (c-5) and (d-5) of this Section,
4 the eligibility for which is conditioned upon the member
5 or participant agreeing to the increases in employee
6 contributions for age and service annuities provided in
7 subsection (a-5) of Section 8-174 of this Code (for
8 service under Article 8) or subsection (a-5) of Section
9 11-170 of this Code (for service under Article 11); or

10 (ii) to not agree to item (i) of this subsection
11 (d-10), in which case the member or participant shall
12 continue to be subject to the retirement age provisions in
13 subsections (c) and (d) of this Section and the employee
14 contributions for age and service annuity as provided in
15 subsection (a) of Section 8-174 of this Code (for service
16 under Article 8) or subsection (a) of Section 11-170 of
17 this Code (for service under Article 11).

18 The election provided for in this subsection shall be made
19 between October 1, 2017 and November 15, 2017. A person
20 subject to this subsection who makes the required election
21 shall remain bound by that election. A person subject to this
22 subsection who fails for any reason to make the required
23 election within the time specified in this subsection shall be
24 deemed to have made the election under item (ii).

25 (d-15) Each person who first becomes a member or
26 participant under Article 12 on or after January 1, 2011 and

1 prior to January 1, 2022 shall make an irrevocable election
2 either:

3 (i) to be eligible for the reduced retirement age
4 specified in subsections (c) and (d) of this Section, the
5 eligibility for which is conditioned upon the member or
6 participant agreeing to the increase in employee
7 contributions for service annuities specified in
8 subsection (b) of Section 12-150; or

9 (ii) to not agree to item (i) of this subsection
10 (d-15), in which case the member or participant shall not
11 be eligible for the reduced retirement age specified in
12 subsections (c) and (d) of this Section and shall not be
13 subject to the increase in employee contributions for
14 service annuities specified in subsection (b) of Section
15 12-150.

16 The election provided for in this subsection shall be made
17 between January 1, 2022 and April 1, 2022. A person subject to
18 this subsection who makes the required election shall remain
19 bound by that election. A person subject to this subsection
20 who fails for any reason to make the required election within
21 the time specified in this subsection shall be deemed to have
22 made the election under item (ii).

23 (e) Any retirement annuity or supplemental annuity shall
24 be subject to annual increases on the January 1 occurring
25 either on or after the attainment of age 67 (age 65, with
26 respect to service under Article 12 that is subject to this

1 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); and beginning on July 6, 2017 (the
5 effective date of Public Act 100-23), age 65 with respect to
6 service under Article 8 or Article 11 for eligible persons
7 who: (i) are subject to subsection (c-5) of this Section; or
8 (ii) made the election under item (i) of subsection (d-10) of
9 this Section) or the first anniversary of the annuity start
10 date, whichever is later. Each annual increase shall be
11 calculated at 3% or one-half the annual unadjusted percentage
12 increase (but not less than zero) in the consumer price
13 index-u for the 12 months ending with the September preceding
14 each November 1, whichever is less, of the originally granted
15 retirement annuity. If the annual unadjusted percentage change
16 in the consumer price index-u for the 12 months ending with the
17 September preceding each November 1 is zero or there is a
18 decrease, then the annuity shall not be increased.

19 For the purposes of Section 1-103.1 of this Code, the
20 changes made to this Section by Public Act 102-263 are
21 applicable without regard to whether the employee was in
22 active service on or after August 6, 2021 (the effective date
23 of Public Act 102-263).

24 For the purposes of Section 1-103.1 of this Code, the
25 changes made to this Section by Public Act 100-23 are
26 applicable without regard to whether the employee was in

1 active service on or after July 6, 2017 (the effective date of
2 Public Act 100-23).

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

1 index-u for the 12 months ending with the September preceding
2 each November 1 is zero or there is a decrease, then the
3 annuity shall not be increased.

4 (g) The benefits in Section 14-110 apply ~~only~~ if the
5 person is a State policeman, a fire fighter in the fire
6 protection service of a department, a conservation police
7 officer, an investigator for the Secretary of State, an
8 investigator for the Office of the Attorney General, an arson
9 investigator, a Commerce Commission police officer,
10 investigator for the Department of Revenue or the Illinois
11 Gaming Board, a security employee of the Department of
12 Corrections or the Department of Juvenile Justice, or a
13 security employee of the Department of Innovation and
14 Technology, as those terms are defined in subsection (b) and
15 subsection (c) of Section 14-110. A person who meets the
16 requirements of this Section is entitled to an annuity
17 calculated under the provisions of Section 14-110, in lieu of
18 the regular or minimum retirement annuity, only if the person
19 has withdrawn from service with not less than 20 years of
20 eligible creditable service and has attained age 60,
21 regardless of whether the attainment of age 60 occurs while
22 the person is still in service.

23 (g-1) The benefits in Section 14-110 apply if the person
24 is a security employee of the Department of Human Services, as
25 those terms are defined in subsection (b) and subsection (c)
26 of Section 14-110. A person who meets the requirements of this

1 Section is entitled to an annuity calculated under the
2 provisions of Section 14-110, in lieu of the regular or
3 minimum retirement annuity, only if the person has withdrawn
4 from service with not less than 20 years of eligible
5 creditable service and has attained age 55, regardless of
6 whether the attainment of age 55 occurs while the person is
7 still in service.

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

22 If a person who first becomes a member of a retirement
23 system or pension fund subject to this Section on or after
24 January 1, 2012 and is receiving a retirement annuity or
25 retirement pension under that system or fund and accepts on a
26 contractual basis a position to provide services to a

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

15 (i) (Blank).

16 (j) In the case of a conflict between the provisions of
17 this Section and any other provision of this Code, the
18 provisions of this Section shall control.

19 (Source: P.A. 101-610, eff. 1-1-20; 102-16, eff. 6-17-21;
20 102-210, eff. 1-1-22; 102-263, eff. 8-6-21; 102-956, eff.
21 5-27-22.)

22 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)

23 (Text of Section from P.A. 102-813)

24 Sec. 14-110. Alternative retirement annuity.

25 (a) Any member who has withdrawn from service with not

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

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

18 (ii) for periods of eligible creditable service as a
19 covered employee: if retirement occurs on or after January
20 1, 2001, 2.5% of final average compensation for each year
21 of creditable service; if retirement occurs before January
22 1, 2001, 1.67% of final average compensation for each of
23 the first 10 years of such service, 1.90% for each of the
24 next 10 years of such service, 2.10% for each year of such
25 service in excess of 20 but not exceeding 30, and 2.30% for
26 each year in excess of 30.

1 Such annuity shall be subject to a maximum of 75% of final
2 average compensation if retirement occurs before January 1,
3 2001 or to a maximum of 80% of final average compensation if
4 retirement occurs on or after January 1, 2001.

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

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

13 (1) State policeman;

14 (2) fire fighter in the fire protection service of a
15 department;

16 (3) air pilot;

17 (4) special agent;

18 (5) investigator for the Secretary of State;

19 (6) conservation police officer;

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

22 (8) security employee of the Department of Human
23 Services;

24 (9) Central Management Services security police
25 officer;

26 (10) security employee of the Department of

- 1 Corrections or the Department of Juvenile Justice;
- 2 (11) dangerous drugs investigator;
- 3 (12) investigator for the Illinois State Police;
- 4 (13) investigator for the Office of the Attorney
- 5 General;
- 6 (14) controlled substance inspector;
- 7 (15) investigator for the Office of the State's
- 8 Attorneys Appellate Prosecutor;
- 9 (16) Commerce Commission police officer;
- 10 (17) arson investigator;
- 11 (18) State highway maintenance worker;
- 12 (19) security employee of the Department of Innovation
- 13 and Technology; or
- 14 (20) transferred employee.

15 A person employed in one of the positions specified in

16 this subsection is entitled to eligible creditable service for

17 service credit earned under this Article while undergoing the

18 basic police training course approved by the Illinois Law

19 Enforcement Training Standards Board, if completion of that

20 training is required of persons serving in that position. For

21 the purposes of this Code, service during the required basic

22 police training course shall be deemed performance of the

23 duties of the specified position, even though the person is

24 not a sworn peace officer at the time of the training.

25 A person under paragraph (20) is entitled to eligible

26 creditable service for service credit earned under this

1 Article on and after his or her transfer by Executive Order No.
2 2003-10, Executive Order No. 2004-2, or Executive Order No.
3 2016-1.

4 (c) For the purposes of this Section:

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

8 (2) The term "fire fighter in the fire protection
9 service of a department" includes all officers in such
10 fire protection service including fire chiefs and
11 assistant fire chiefs.

12 (3) The term "air pilot" includes any employee whose
13 official job description on file in the Department of
14 Central Management Services, or in the department by which
15 he is employed if that department is not covered by the
16 Personnel Code, states that his principal duty is the
17 operation of aircraft, and who possesses a pilot's
18 license; however, the change in this definition made by
19 Public Act 83-842 shall not operate to exclude any
20 noncovered employee who was an "air pilot" for the
21 purposes of this Section on January 1, 1984.

22 (4) The term "special agent" means any person who by
23 reason of employment by the Division of Narcotic Control,
24 the Bureau of Investigation or, after July 1, 1977, the
25 Division of Criminal Investigation, the Division of
26 Internal Investigation, the Division of Operations, the

1 Division of Patrol Operations, or any other Division or
2 organizational entity in the Illinois State Police is
3 vested by law with duties to maintain public order,
4 investigate violations of the criminal law of this State,
5 enforce the laws of this State, make arrests and recover
6 property. The term "special agent" includes any title or
7 position in the Illinois State Police that is held by an
8 individual employed under the Illinois State Police Act.

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

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

24 (6) The term "Conservation Police Officer" means any
25 person employed by the Division of Law Enforcement of the
26 Department of Natural Resources and vested with such law

1 enforcement duties as render him ineligible for coverage
2 under the Social Security Act by reason of Sections
3 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The
4 term "Conservation Police Officer" includes the positions
5 of Chief Conservation Police Administrator and Assistant
6 Conservation Police Administrator.

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

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

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

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

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

23 (9) "Central Management Services security police
24 officer" means any person employed by the Department of
25 Central Management Services who is vested with such law
26 enforcement duties as render him ineligible for coverage

1 under the Social Security Act by reason of Sections
2 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

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

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

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

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

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

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

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

12 (17) "Arson investigator" means any person who is
13 employed as such by the Office of the State Fire Marshal
14 and is vested with such law enforcement duties as render
15 the person 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. A person who was
18 employed as an arson investigator on January 1, 1995 and
19 is no longer in service but not yet receiving a retirement
20 annuity may convert his or her creditable service for
21 employment as an arson investigator into eligible
22 creditable service by paying to the System the difference
23 between the employee contributions actually paid for that
24 service and the amounts that would have been contributed
25 if the applicant were contributing at the rate applicable
26 to persons with the same social security status earning

1 eligible creditable service on the date of application.

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

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

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

1 (19) The term "security employee of the Department of
2 Innovation and Technology" means a person who was a
3 security employee of the Department of Corrections or the
4 Department of Juvenile Justice, was transferred to the
5 Department of Innovation and Technology pursuant to
6 Executive Order 2016-01, and continues to perform similar
7 job functions under that Department.

8 (20) "Transferred employee" means an employee who was
9 transferred to the Department of Central Management
10 Services by Executive Order No. 2003-10 or Executive Order
11 No. 2004-2 or transferred to the Department of Innovation
12 and Technology by Executive Order No. 2016-1, or both, and
13 was entitled to eligible creditable service for services
14 immediately preceding the transfer.

15 (d) A security employee of the Department of Corrections
16 or the Department of Juvenile Justice, a security employee of
17 the Department of Human Services who is not a mental health
18 police officer, and a security employee of the Department of
19 Innovation and Technology shall not be eligible for the
20 alternative retirement annuity provided by this Section unless
21 he or she meets the following minimum age and service
22 requirements at the time of retirement:

23 (i) 25 years of eligible creditable service and age
24 55; or

25 (ii) beginning January 1, 1987, 25 years of eligible
26 creditable service and age 54, or 24 years of eligible

1 creditable service and age 55; or

2 (iii) beginning January 1, 1988, 25 years of eligible
3 creditable service and age 53, or 23 years of eligible
4 creditable service and age 55; or

5 (iv) beginning January 1, 1989, 25 years of eligible
6 creditable service and age 52, or 22 years of eligible
7 creditable service and age 55; or

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

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

14 Persons who have service credit under Article 16 of this
15 Code for service as a security employee of the Department of
16 Corrections or the Department of Juvenile Justice, or the
17 Department of Human Services in a position requiring
18 certification as a teacher may count such service toward
19 establishing their eligibility under the service requirements
20 of this Section; but such service may be used only for
21 establishing such eligibility, and not for the purpose of
22 increasing or calculating any benefit.

23 (e) If a member enters military service while working in a
24 position in which eligible creditable service may be earned,
25 and returns to State service in the same or another such
26 position, and fulfills in all other respects the conditions

1 prescribed in this Article for credit for military service,
2 such military service shall be credited as eligible creditable
3 service for the purposes of the retirement annuity prescribed
4 in this Section.

5 (f) For purposes of calculating retirement annuities under
6 this Section, periods of service rendered after December 31,
7 1968 and before October 1, 1975 as a covered employee in the
8 position of special agent, conservation police officer, mental
9 health police officer, or investigator for the Secretary of
10 State, shall be deemed to have been service as a noncovered
11 employee, provided that the employee pays to the System prior
12 to retirement an amount equal to (1) the difference between
13 the employee contributions that would have been required for
14 such service as a noncovered employee, and the amount of
15 employee contributions actually paid, plus (2) if payment is
16 made after July 31, 1987, regular interest on the amount
17 specified in item (1) from the date of service to the date of
18 payment.

19 For purposes of calculating retirement annuities under
20 this Section, periods of service rendered after December 31,
21 1968 and before January 1, 1982 as a covered employee in the
22 position of investigator for the Department of Revenue shall
23 be deemed to have been service as a noncovered employee,
24 provided that the employee pays to the System prior to
25 retirement an amount equal to (1) the difference between the
26 employee contributions that would have been required for such

1 service as a noncovered employee, and the amount of employee
2 contributions actually paid, plus (2) if payment is made after
3 January 1, 1990, regular interest on the amount specified in
4 item (1) from the date of service to the date of payment.

5 (g) A State policeman may elect, not later than January 1,
6 1990, to establish eligible creditable service for up to 10
7 years of his service as a policeman under Article 3, by filing
8 a written election with the Board, accompanied by payment of
9 an amount to be determined by the Board, equal to (i) the
10 difference between the amount of employee and employer
11 contributions transferred to the System under Section 3-110.5,
12 and the amounts that would have been contributed had such
13 contributions been made at the rates applicable to State
14 policemen, 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 Subject to the limitation in subsection (i), a State
18 policeman may elect, not later than July 1, 1993, to establish
19 eligible creditable service for up to 10 years of his service
20 as a member of the County Police Department under Article 9, by
21 filing a written election with the Board, accompanied by
22 payment of an amount to be determined by the Board, equal to
23 (i) the difference between the amount of employee and employer
24 contributions transferred to the System under Section 9-121.10
25 and the amounts that would have been contributed had those
26 contributions been made at the rates applicable to State

1 policemen, plus (ii) interest thereon at the effective rate
2 for each year, compounded annually, from the date of service
3 to the date of payment.

4 (h) Subject to the limitation in subsection (i), a State
5 policeman or investigator for the Secretary of State may elect
6 to establish eligible creditable service for up to 12 years of
7 his service as a policeman under Article 5, by filing a written
8 election with the Board on or before January 31, 1992, 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 5-236, and the amounts that would
13 have been contributed had such contributions been made at the
14 rates applicable to State policemen, plus (ii) interest
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 10 years of service as a sheriff's
21 law enforcement employee under Article 7, by filing a written
22 election with the Board on or before January 31, 1993, and
23 paying to the System by January 31, 1994 an amount to be
24 determined by the Board, equal to (i) the difference between
25 the amount of employee and employer contributions transferred
26 to the System under Section 7-139.7, and the amounts that

1 would have been contributed had such contributions been made
2 at the rates applicable to State policemen, plus (ii) interest
3 thereon at the effective rate for each year, compounded
4 annually, from the date of service to the date of payment.

5 Subject to the limitation in subsection (i), a State
6 policeman, conservation police officer, or investigator for
7 the Secretary of State may elect to establish eligible
8 creditable service for up to 5 years of service as a police
9 officer under Article 3, a policeman under Article 5, a
10 sheriff's law enforcement employee under Article 7, a member
11 of the county police department under Article 9, or a police
12 officer under Article 15 by filing a written election with the
13 Board and paying to the System an amount to be determined by
14 the Board, equal to (i) the difference between the amount of
15 employee and employer contributions transferred to the System
16 under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4
17 and the amounts that would have been contributed had such
18 contributions been made at the rates applicable to State
19 policemen, plus (ii) interest thereon at the effective rate
20 for each year, compounded annually, from the date of service
21 to the date of payment.

22 Subject to the limitation in subsection (i), an
23 investigator for the Office of the Attorney General, or an
24 investigator for the Department of Revenue, may elect to
25 establish eligible creditable service for up to 5 years of
26 service as a police officer under Article 3, a policeman under

1 Article 5, a sheriff's law enforcement employee under Article
2 7, or a member of the county police department under Article 9
3 by filing a written election with the Board within 6 months
4 after August 25, 2009 (the effective date of Public Act
5 96-745) and paying to the System an amount to be determined by
6 the Board, equal to (i) the difference between the amount of
7 employee and employer contributions transferred to the System
8 under Section 3-110.6, 5-236, 7-139.8, or 9-121.10 and the
9 amounts that would have been contributed had such
10 contributions been made at the rates applicable to State
11 policemen, plus (ii) interest thereon at the actuarially
12 assumed rate for each year, compounded annually, from the date
13 of service to the date of payment.

14 Subject to the limitation in subsection (i), a State
15 policeman, conservation police officer, investigator for the
16 Office of the Attorney General, an investigator for the
17 Department of Revenue, or investigator for the Secretary of
18 State may elect to establish eligible creditable service for
19 up to 5 years of service as a person employed by a
20 participating municipality to perform police duties, or law
21 enforcement officer employed on a full-time basis by a forest
22 preserve district under Article 7, a county corrections
23 officer, or a court services officer under Article 9, by
24 filing a written election with the Board within 6 months after
25 August 25, 2009 (the effective date of Public Act 96-745) and
26 paying to the System an amount to be determined by the Board,

1 equal to (i) the difference between the amount of employee and
2 employer contributions transferred to the System under
3 Sections 7-139.8 and 9-121.10 and the amounts that would have
4 been contributed had such contributions been made at the rates
5 applicable to State policemen, plus (ii) interest thereon at
6 the actuarially assumed rate for each year, compounded
7 annually, from the date of service to the date of payment.

8 Subject to the limitation in subsection (i), a State
9 policeman, arson investigator, or Commerce Commission police
10 officer may elect to establish eligible creditable service for
11 up to 5 years of service as a person employed by a
12 participating municipality to perform police duties under
13 Article 7, a county corrections officer, a court services
14 officer under Article 9, or a firefighter under Article 4 by
15 filing a written election with the Board within 6 months after
16 July 30, 2021 (the effective date of Public Act 102-210) and
17 paying to the System an amount to be determined by the Board
18 equal to (i) the difference between the amount of employee and
19 employer contributions transferred to the System under
20 Sections 4-108.8, 7-139.8, and 9-121.10 and the amounts that
21 would have been contributed had such contributions been made
22 at the rates applicable to State policemen, plus (ii) interest
23 thereon at the actuarially assumed rate for each year,
24 compounded annually, from the date of service to the date of
25 payment.

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

1 conservation police officer may elect to establish eligible
2 creditable service for up to 5 years of service as a person
3 employed by a participating municipality to perform police
4 duties under Article 7, a county corrections officer, or a
5 court services officer under Article 9 by filing a written
6 election with the Board within 6 months after July 30, 2021
7 (the effective date of Public Act 102-210) and paying to the
8 System an amount to be determined by the Board equal to (i) the
9 difference between the amount of employee and employer
10 contributions transferred to the System under Sections 7-139.8
11 and 9-121.10 and the amounts that would have been contributed
12 had such contributions been made at the rates applicable to
13 State policemen, plus (ii) interest thereon at the actuarially
14 assumed rate for each year, compounded annually, from the date
15 of service to the date of payment.

16 Notwithstanding the limitation in subsection (i), a State
17 policeman or conservation police officer may elect to convert
18 service credit earned under this Article to eligible
19 creditable service, as defined by this Section, by filing a
20 written election with the board within 6 months after July 30,
21 2021 (the effective date of Public Act 102-210) and paying to
22 the System an amount to be determined by the Board equal to (i)
23 the difference between the amount of employee contributions
24 originally paid for that service and the amounts that would
25 have been contributed had such contributions been made at the
26 rates applicable to State policemen, plus (ii) the difference

1 between the employer's normal cost of the credit prior to the
2 conversion authorized by Public Act 102-210 and the employer's
3 normal cost of the credit converted in accordance with Public
4 Act 102-210, plus (iii) interest thereon at the actuarially
5 assumed rate for each year, compounded annually, from the date
6 of service to the date of payment.

7 (i) The total amount of eligible creditable service
8 established by any person under subsections (g), (h), (j),
9 (k), (l), (l-5), ~~and (o)~~, and (q) of this Section shall not
10 exceed 12 years.

11 (j) Subject to the limitation in subsection (i), an
12 investigator for the Office of the State's Attorneys Appellate
13 Prosecutor or a controlled substance inspector may elect to
14 establish eligible creditable service for up to 10 years of
15 his service as a policeman under Article 3 or a sheriff's law
16 enforcement employee under Article 7, by filing a written
17 election with the Board, accompanied by payment of an amount
18 to be determined by the Board, equal to (1) the difference
19 between the amount of employee and employer contributions
20 transferred to the System under Section 3-110.6 or 7-139.8,
21 and the amounts that would have been contributed had such
22 contributions been made at the rates applicable to State
23 policemen, plus (2) interest thereon at the effective rate for
24 each year, compounded annually, from the date of service to
25 the date of payment.

26 (k) Subject to the limitation in subsection (i) of this

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

22 (1) Subject to the limitation in subsection (i), a
23 security employee of the Department of Corrections may elect,
24 not later than July 1, 1998, to establish eligible creditable
25 service for up to 10 years of his or her service as a policeman
26 under Article 3, by filing a written election with the Board,

1 accompanied by payment of an amount to be determined by the
2 Board, equal to (i) the difference between the amount of
3 employee and employer contributions transferred to the System
4 under Section 3-110.5, and the amounts that would have been
5 contributed had such contributions been made at the rates
6 applicable to security employees of the Department of
7 Corrections, plus (ii) interest thereon at the effective rate
8 for each year, compounded annually, from the date of service
9 to the date of payment.

10 (1-5) Subject to the limitation in subsection (i) of this
11 Section, a State policeman may elect to establish eligible
12 creditable service for up to 5 years of service as a full-time
13 law enforcement officer employed by the federal government or
14 by a state or local government located outside of Illinois for
15 which credit is not held in any other public employee pension
16 fund or retirement system. To obtain this credit, the
17 applicant must file a written application with the Board no
18 later than 3 years after January 1, 2020 (the effective date of
19 Public Act 101-610), accompanied by evidence of eligibility
20 acceptable to the Board and payment of an amount to be
21 determined by the Board, equal to (1) employee contributions
22 for the credit being established, based upon the applicant's
23 salary on the first day as an alternative formula employee
24 after the employment for which credit is being established and
25 the rates then applicable to alternative formula employees,
26 plus (2) an amount determined by the Board to be the employer's

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

6 (m) The amendatory changes to this Section made by Public
7 Act 94-696 apply only to: (1) security employees of the
8 Department of Juvenile Justice employed by the Department of
9 Corrections before June 1, 2006 (the effective date of Public
10 Act 94-696) and transferred to the Department of Juvenile
11 Justice by Public Act 94-696; and (2) persons employed by the
12 Department of Juvenile Justice on or after June 1, 2006 (the
13 effective date of Public Act 94-696) who are required by
14 subsection (b) of Section 3-2.5-15 of the Unified Code of
15 Corrections to have any bachelor's or advanced degree from an
16 accredited college or university or, in the case of persons
17 who provide vocational training, who are required to have
18 adequate knowledge in the skill for which they are providing
19 the vocational training.

20 (n) A person employed in a position under subsection (b)
21 of this Section who has purchased service credit under
22 subsection (j) of Section 14-104 or subsection (b) of Section
23 14-105 in any other capacity under this Article may convert up
24 to 5 years of that service credit into service credit covered
25 under this Section by paying to the Fund an amount equal to (1)
26 the additional employee contribution required under Section

1 14-133, plus (2) the additional employer contribution required
2 under Section 14-131, plus (3) interest on items (1) and (2) at
3 the actuarially assumed rate from the date of the service to
4 the date of payment.

5 (o) Subject to the limitation in subsection (i), a
6 conservation police officer, investigator for the Secretary of
7 State, Commerce Commission police officer, investigator for
8 the Department of Revenue or the Illinois Gaming Board, or
9 arson investigator subject to subsection (g) of Section 1-160
10 may elect to convert up to 8 years of service credit
11 established before January 1, 2020 (the effective date of
12 Public Act 101-610) as a conservation police officer,
13 investigator for the Secretary of State, Commerce Commission
14 police officer, investigator for the Department of Revenue or
15 the Illinois Gaming Board, or arson investigator under this
16 Article into eligible creditable service by filing a written
17 election with the Board no later than one year after January 1,
18 2020 (the effective date of Public Act 101-610), accompanied
19 by payment of an amount to be determined by the Board equal to
20 (i) the difference between the amount of the employee
21 contributions actually paid for that service and the amount of
22 the employee contributions that would have been paid had the
23 employee contributions been made as a noncovered employee
24 serving in a position in which eligible creditable service, as
25 defined in this Section, may be earned, plus (ii) interest
26 thereon at the effective rate for each year, compounded

1 annually, from the date of service to the date of payment.

2 (g) Subject to the limitation in subsection (i), a
3 security employee of the Department of Human Services who is
4 subject to subsection (g-1) of Section 1-160 may elect to
5 convert up to 9 years of service credit established before the
6 effective date of this amendatory Act of the 103rd General
7 Assembly as a security employee of the Department of Human
8 Services to eligible creditable service by filing a written
9 election with the Board no later than one year after the
10 effective date of this amendatory Act of the 103rd General
11 Assembly, accompanied by payment of an amount, to be
12 determined by the Board, equal to (i) the difference between
13 the amount of the employee contributions actually paid for
14 that service and the amount of the employee contributions that
15 would have been paid had the employee contributions been made
16 as a covered employee serving in a position in which eligible
17 creditable service, as defined in this Section, may be earned,
18 plus (ii) interest thereon at the effective rate for each
19 year, compounded annually, from the date of service to the
20 date of payment.

21 (Source: P.A. 101-610, eff. 1-1-20; 102-210, eff. 7-30-21;
22 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

23 (Text of Section from P.A. 102-856)

24 Sec. 14-110. Alternative retirement annuity.

25 (a) Any member who has withdrawn from service with not

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

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

18 (ii) for periods of eligible creditable service as a
19 covered employee: if retirement occurs on or after January
20 1, 2001, 2.5% of final average compensation for each year
21 of creditable service; if retirement occurs before January
22 1, 2001, 1.67% of final average compensation for each of
23 the first 10 years of such service, 1.90% for each of the
24 next 10 years of such service, 2.10% for each year of such
25 service in excess of 20 but not exceeding 30, and 2.30% for
26 each year in excess of 30.

1 Such annuity shall be subject to a maximum of 75% of final
2 average compensation if retirement occurs before January 1,
3 2001 or to a maximum of 80% of final average compensation if
4 retirement occurs on or after January 1, 2001.

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

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

13 (1) State policeman;

14 (2) fire fighter in the fire protection service of a
15 department;

16 (3) air pilot;

17 (4) special agent;

18 (5) investigator for the Secretary of State;

19 (6) conservation police officer;

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

22 (8) security employee of the Department of Human
23 Services;

24 (9) Central Management Services security police
25 officer;

26 (10) security employee of the Department of

- 1 Corrections or the Department of Juvenile Justice;
- 2 (11) dangerous drugs investigator;
- 3 (12) investigator for the Illinois State Police;
- 4 (13) investigator for the Office of the Attorney
- 5 General;
- 6 (14) controlled substance inspector;
- 7 (15) investigator for the Office of the State's
- 8 Attorneys Appellate Prosecutor;
- 9 (16) Commerce Commission police officer;
- 10 (17) arson investigator;
- 11 (18) State highway maintenance worker;
- 12 (19) security employee of the Department of Innovation
- 13 and Technology; or
- 14 (20) transferred employee.

15 A person employed in one of the positions specified in

16 this subsection is entitled to eligible creditable service for

17 service credit earned under this Article while undergoing the

18 basic police training course approved by the Illinois Law

19 Enforcement Training Standards Board, if completion of that

20 training is required of persons serving in that position. For

21 the purposes of this Code, service during the required basic

22 police training course shall be deemed performance of the

23 duties of the specified position, even though the person is

24 not a sworn peace officer at the time of the training.

25 A person under paragraph (20) is entitled to eligible

26 creditable service for service credit earned under this

1 Article on and after his or her transfer by Executive Order No.
2 2003-10, Executive Order No. 2004-2, or Executive Order No.
3 2016-1.

4 (c) For the purposes of this Section:

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

8 (2) The term "fire fighter in the fire protection
9 service of a department" includes all officers in such
10 fire protection service including fire chiefs and
11 assistant fire chiefs.

12 (3) The term "air pilot" includes any employee whose
13 official job description on file in the Department of
14 Central Management Services, or in the department by which
15 he is employed if that department is not covered by the
16 Personnel Code, states that his principal duty is the
17 operation of aircraft, and who possesses a pilot's
18 license; however, the change in this definition made by
19 Public Act 83-842 shall not operate to exclude any
20 noncovered employee who was an "air pilot" for the
21 purposes of this Section on January 1, 1984.

22 (4) The term "special agent" means any person who by
23 reason of employment by the Division of Narcotic Control,
24 the Bureau of Investigation or, after July 1, 1977, the
25 Division of Criminal Investigation, the Division of
26 Internal Investigation, the Division of Operations, the

1 Division of Patrol Operations, or any other Division or
2 organizational entity in the Illinois State Police is
3 vested by law with duties to maintain public order,
4 investigate violations of the criminal law of this State,
5 enforce the laws of this State, make arrests and recover
6 property. The term "special agent" includes any title or
7 position in the Illinois State Police that is held by an
8 individual employed under the Illinois State Police Act.

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

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

24 (6) The term "Conservation Police Officer" means any
25 person employed by the Division of Law Enforcement of the
26 Department of Natural Resources and vested with such law

1 enforcement duties as render him ineligible for coverage
2 under the Social Security Act by reason of Sections
3 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The
4 term "Conservation Police Officer" includes the positions
5 of Chief Conservation Police Administrator and Assistant
6 Conservation Police Administrator.

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

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

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

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

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

23 (9) "Central Management Services security police
24 officer" means any person employed by the Department of
25 Central Management Services who is vested with such law
26 enforcement duties as render him ineligible for coverage

1 under the Social Security Act by reason of Sections
2 218(d) (5) (A), 218(d) (8) (D) and 218(1) (1) of that Act.

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

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

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

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

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

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

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

12 (17) "Arson investigator" means any person who is
13 employed as such by the Office of the State Fire Marshal
14 and is vested with such law enforcement duties as render
15 the person 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. A person who was
18 employed as an arson investigator on January 1, 1995 and
19 is no longer in service but not yet receiving a retirement
20 annuity may convert his or her creditable service for
21 employment as an arson investigator into eligible
22 creditable service by paying to the System the difference
23 between the employee contributions actually paid for that
24 service and the amounts that would have been contributed
25 if the applicant were contributing at the rate applicable
26 to persons with the same social security status earning

1 eligible creditable service on the date of application.

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

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

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

1 (19) The term "security employee of the Department of
2 Innovation and Technology" means a person who was a
3 security employee of the Department of Corrections or the
4 Department of Juvenile Justice, was transferred to the
5 Department of Innovation and Technology pursuant to
6 Executive Order 2016-01, and continues to perform similar
7 job functions under that Department.

8 (20) "Transferred employee" means an employee who was
9 transferred to the Department of Central Management
10 Services by Executive Order No. 2003-10 or Executive Order
11 No. 2004-2 or transferred to the Department of Innovation
12 and Technology by Executive Order No. 2016-1, or both, and
13 was entitled to eligible creditable service for services
14 immediately preceding the transfer.

15 (d) A security employee of the Department of Corrections
16 or the Department of Juvenile Justice, a security employee of
17 the Department of Human Services who is not a mental health
18 police officer, and a security employee of the Department of
19 Innovation and Technology shall not be eligible for the
20 alternative retirement annuity provided by this Section unless
21 he or she meets the following minimum age and service
22 requirements at the time of retirement:

23 (i) 25 years of eligible creditable service and age
24 55; or

25 (ii) beginning January 1, 1987, 25 years of eligible
26 creditable service and age 54, or 24 years of eligible

1 creditable service and age 55; or

2 (iii) beginning January 1, 1988, 25 years of eligible
3 creditable service and age 53, or 23 years of eligible
4 creditable service and age 55; or

5 (iv) beginning January 1, 1989, 25 years of eligible
6 creditable service and age 52, or 22 years of eligible
7 creditable service and age 55; or

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

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

14 Persons who have service credit under Article 16 of this
15 Code for service as a security employee of the Department of
16 Corrections or the Department of Juvenile Justice, or the
17 Department of Human Services in a position requiring
18 certification as a teacher may count such service toward
19 establishing their eligibility under the service requirements
20 of this Section; but such service may be used only for
21 establishing such eligibility, and not for the purpose of
22 increasing or calculating any benefit.

23 (e) If a member enters military service while working in a
24 position in which eligible creditable service may be earned,
25 and returns to State service in the same or another such
26 position, and fulfills in all other respects the conditions

1 prescribed in this Article for credit for military service,
2 such military service shall be credited as eligible creditable
3 service for the purposes of the retirement annuity prescribed
4 in this Section.

5 (f) For purposes of calculating retirement annuities under
6 this Section, periods of service rendered after December 31,
7 1968 and before October 1, 1975 as a covered employee in the
8 position of special agent, conservation police officer, mental
9 health police officer, or investigator for the Secretary of
10 State, shall be deemed to have been service as a noncovered
11 employee, provided that the employee pays to the System prior
12 to retirement an amount equal to (1) the difference between
13 the employee contributions that would have been required for
14 such service as a noncovered employee, and the amount of
15 employee contributions actually paid, plus (2) if payment is
16 made after July 31, 1987, regular interest on the amount
17 specified in item (1) from the date of service to the date of
18 payment.

19 For purposes of calculating retirement annuities under
20 this Section, periods of service rendered after December 31,
21 1968 and before January 1, 1982 as a covered employee in the
22 position of investigator for the Department of Revenue shall
23 be deemed to have been service as a noncovered employee,
24 provided that the employee pays to the System prior to
25 retirement an amount equal to (1) the difference between the
26 employee contributions that would have been required for such

1 service as a noncovered employee, and the amount of employee
2 contributions actually paid, plus (2) if payment is made after
3 January 1, 1990, regular interest on the amount specified in
4 item (1) from the date of service to the date of payment.

5 (g) A State policeman may elect, not later than January 1,
6 1990, to establish eligible creditable service for up to 10
7 years of his service as a policeman under Article 3, by filing
8 a written election with the Board, accompanied by payment of
9 an amount to be determined by the Board, equal to (i) the
10 difference between the amount of employee and employer
11 contributions transferred to the System under Section 3-110.5,
12 and the amounts that would have been contributed had such
13 contributions been made at the rates applicable to State
14 policemen, 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 Subject to the limitation in subsection (i), a State
18 policeman may elect, not later than July 1, 1993, to establish
19 eligible creditable service for up to 10 years of his service
20 as a member of the County Police Department under Article 9, by
21 filing a written election with the Board, accompanied by
22 payment of an amount to be determined by the Board, equal to
23 (i) the difference between the amount of employee and employer
24 contributions transferred to the System under Section 9-121.10
25 and the amounts that would have been contributed had those
26 contributions been made at the rates applicable to State

1 policemen, plus (ii) interest thereon at the effective rate
2 for each year, compounded annually, from the date of service
3 to the date of payment.

4 (h) Subject to the limitation in subsection (i), a State
5 policeman or investigator for the Secretary of State may elect
6 to establish eligible creditable service for up to 12 years of
7 his service as a policeman under Article 5, by filing a written
8 election with the Board on or before January 31, 1992, 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 5-236, and the amounts that would
13 have been contributed had such contributions been made at the
14 rates applicable to State policemen, plus (ii) interest
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 10 years of service as a sheriff's
21 law enforcement employee under Article 7, by filing a written
22 election with the Board on or before January 31, 1993, and
23 paying to the System by January 31, 1994 an amount to be
24 determined by the Board, equal to (i) the difference between
25 the amount of employee and employer contributions transferred
26 to the System under Section 7-139.7, and the amounts that

1 would have been contributed had such contributions been made
2 at the rates applicable to State policemen, plus (ii) interest
3 thereon at the effective rate for each year, compounded
4 annually, from the date of service to the date of payment.

5 Subject to the limitation in subsection (i), a State
6 policeman, conservation police officer, or investigator for
7 the Secretary of State may elect to establish eligible
8 creditable service for up to 5 years of service as a police
9 officer under Article 3, a policeman under Article 5, a
10 sheriff's law enforcement employee under Article 7, a member
11 of the county police department under Article 9, or a police
12 officer under Article 15 by filing a written election with the
13 Board and paying to the System an amount to be determined by
14 the Board, equal to (i) the difference between the amount of
15 employee and employer contributions transferred to the System
16 under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4
17 and the amounts that would have been contributed had such
18 contributions been made at the rates applicable to State
19 policemen, plus (ii) interest thereon at the effective rate
20 for each year, compounded annually, from the date of service
21 to the date of payment.

22 Subject to the limitation in subsection (i), an
23 investigator for the Office of the Attorney General, or an
24 investigator for the Department of Revenue, may elect to
25 establish eligible creditable service for up to 5 years of
26 service as a police officer under Article 3, a policeman under

1 Article 5, a sheriff's law enforcement employee under Article
2 7, or a member of the county police department under Article 9
3 by filing a written election with the Board within 6 months
4 after August 25, 2009 (the effective date of Public Act
5 96-745) and paying to the System an amount to be determined by
6 the Board, equal to (i) the difference between the amount of
7 employee and employer contributions transferred to the System
8 under Section 3-110.6, 5-236, 7-139.8, or 9-121.10 and the
9 amounts that would have been contributed had such
10 contributions been made at the rates applicable to State
11 policemen, plus (ii) interest thereon at the actuarially
12 assumed rate for each year, compounded annually, from the date
13 of service to the date of payment.

14 Subject to the limitation in subsection (i), a State
15 policeman, conservation police officer, investigator for the
16 Office of the Attorney General, an investigator for the
17 Department of Revenue, or investigator for the Secretary of
18 State may elect to establish eligible creditable service for
19 up to 5 years of service as a person employed by a
20 participating municipality to perform police duties, or law
21 enforcement officer employed on a full-time basis by a forest
22 preserve district under Article 7, a county corrections
23 officer, or a court services officer under Article 9, by
24 filing a written election with the Board within 6 months after
25 August 25, 2009 (the effective date of Public Act 96-745) and
26 paying to the System an amount to be determined by the Board,

1 equal to (i) the difference between the amount of employee and
2 employer contributions transferred to the System under
3 Sections 7-139.8 and 9-121.10 and the amounts that would have
4 been contributed had such contributions been made at the rates
5 applicable to State policemen, plus (ii) interest thereon at
6 the actuarially assumed rate for each year, compounded
7 annually, from the date of service to the date of payment.

8 Subject to the limitation in subsection (i), a State
9 policeman, arson investigator, or Commerce Commission police
10 officer may elect to establish eligible creditable service for
11 up to 5 years of service as a person employed by a
12 participating municipality to perform police duties under
13 Article 7, a county corrections officer, a court services
14 officer under Article 9, or a firefighter under Article 4 by
15 filing a written election with the Board within 6 months after
16 July 30, 2021 (the effective date of Public Act 102-210) and
17 paying to the System an amount to be determined by the Board
18 equal to (i) the difference between the amount of employee and
19 employer contributions transferred to the System under
20 Sections 4-108.8, 7-139.8, and 9-121.10 and the amounts that
21 would have been contributed had such contributions been made
22 at the rates applicable to State policemen, plus (ii) interest
23 thereon at the actuarially assumed rate for each year,
24 compounded annually, from the date of service to the date of
25 payment.

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

1 conservation police officer may elect to establish eligible
2 creditable service for up to 5 years of service as a person
3 employed by a participating municipality to perform police
4 duties under Article 7, a county corrections officer, or a
5 court services officer under Article 9 by filing a written
6 election with the Board within 6 months after July 30, 2021
7 (the effective date of Public Act 102-210) and paying to the
8 System an amount to be determined by the Board equal to (i) the
9 difference between the amount of employee and employer
10 contributions transferred to the System under Sections 7-139.8
11 and 9-121.10 and the amounts that would have been contributed
12 had such contributions been made at the rates applicable to
13 State policemen, plus (ii) interest thereon at the actuarially
14 assumed rate for each year, compounded annually, from the date
15 of service to the date of payment.

16 Subject to the limitation in subsection (i), an
17 investigator for the Department of Revenue, investigator for
18 the Illinois Gaming Board, investigator for the Secretary of
19 State, or arson investigator may elect to establish eligible
20 creditable service for up to 5 years of service as a person
21 employed by a participating municipality to perform police
22 duties under Article 7, a county corrections officer, a court
23 services officer under Article 9, or a firefighter under
24 Article 4 by filing a written election with the Board within 6
25 months after the effective date of this amendatory Act of the
26 102nd General Assembly and paying to the System an amount to be

1 determined by the Board equal to (i) the difference between
2 the amount of employee and employer contributions transferred
3 to the System under Sections 4-108.8, 7-139.8, and 9-121.10
4 and the amounts that would have been contributed had such
5 contributions been made at the rates applicable to State
6 policemen, plus (ii) interest thereon at the actuarially
7 assumed rate for each year, compounded annually, from the date
8 of service to the date of payment.

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

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

23 (i) The total amount of eligible creditable service
24 established by any person under subsections (g), (h), (j),
25 (k), (l), (1-5), ~~and~~ (o), and (q) of this Section shall not
26 exceed 12 years.

1 (j) Subject to the limitation in subsection (i), an
2 investigator for the Office of the State's Attorneys Appellate
3 Prosecutor or a controlled substance inspector may elect to
4 establish eligible creditable service for up to 10 years of
5 his service as a policeman under Article 3 or a sheriff's law
6 enforcement employee under Article 7, by filing a written
7 election with the Board, accompanied by payment of an amount
8 to be determined by the Board, equal to (1) the difference
9 between the amount of employee and employer contributions
10 transferred to the System under Section 3-110.6 or 7-139.8,
11 and the amounts that would have been contributed had such
12 contributions been made at the rates applicable to State
13 policemen, plus (2) interest thereon at the effective rate for
14 each year, compounded annually, from the date of service to
15 the date of payment.

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

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

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

26 (1-5) Subject to the limitation in subsection (i) of this

1 Section, a State policeman may elect to establish eligible
2 creditable service for up to 5 years of service as a full-time
3 law enforcement officer employed by the federal government or
4 by a state or local government located outside of Illinois for
5 which credit is not held in any other public employee pension
6 fund or retirement system. To obtain this credit, the
7 applicant must file a written application with the Board no
8 later than 3 years after January 1, 2020 (the effective date of
9 Public Act 101-610), accompanied by evidence of eligibility
10 acceptable to the Board and payment of an amount to be
11 determined by the Board, equal to (1) employee contributions
12 for the credit being established, based upon the applicant's
13 salary on the first day as an alternative formula employee
14 after the employment for which credit is being established and
15 the rates then applicable to alternative formula employees,
16 plus (2) an amount determined by the Board to be the employer's
17 normal cost of the benefits accrued for the credit being
18 established, plus (3) regular interest on the amounts in items
19 (1) and (2) from the first day as an alternative formula
20 employee after the employment for which credit is being
21 established to the date of payment.

22 (m) The amendatory changes to this Section made by Public
23 Act 94-696 apply only to: (1) security employees of the
24 Department of Juvenile Justice employed by the Department of
25 Corrections before June 1, 2006 (the effective date of Public
26 Act 94-696) and transferred to the Department of Juvenile

1 Justice by Public Act 94-696; and (2) persons employed by the
2 Department of Juvenile Justice on or after June 1, 2006 (the
3 effective date of Public Act 94-696) who are required by
4 subsection (b) of Section 3-2.5-15 of the Unified Code of
5 Corrections to have any bachelor's or advanced degree from an
6 accredited college or university or, in the case of persons
7 who provide vocational training, who are required to have
8 adequate knowledge in the skill for which they are providing
9 the vocational training.

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

21 (o) Subject to the limitation in subsection (i), a
22 conservation police officer, investigator for the Secretary of
23 State, Commerce Commission police officer, investigator for
24 the Department of Revenue or the Illinois Gaming Board, or
25 arson investigator subject to subsection (g) of Section 1-160
26 may elect to convert up to 8 years of service credit

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

18 (g) Subject to the limitation in subsection (i), a
19 security employee of the Department of Human Services who is
20 subject to subsection (g-1) of Section 1-160 may elect to
21 convert up to 9 years of service credit established before the
22 effective date of this amendatory Act of the 103rd General
23 Assembly as a security employee of the Department of Human
24 Services to eligible creditable service by filing a written
25 election with the Board no later than one year after the
26 effective date of this amendatory Act of the 103rd General

1 Assembly, accompanied by payment of an amount, to be
2 determined by the Board, equal to (i) the difference between
3 the amount of the employee contributions actually paid for
4 that service and the amount of the employee contributions that
5 would have been paid had the employee contributions been made
6 as a covered employee serving in a position in which eligible
7 creditable service, as defined in this Section, may be earned,
8 plus (ii) interest thereon at the effective rate for each
9 year, compounded annually, from the date of service to the
10 date of payment.

11 (Source: P.A. 101-610, eff. 1-1-20; 102-210, eff. 7-30-21;
12 102-538, eff. 8-20-21; 102-856, eff. 1-1-23.)

13 (Text of Section from P.A. 102-956)

14 Sec. 14-110. Alternative retirement annuity.

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

24 (i) for periods of service as a noncovered employee:

25 if retirement occurs on or after January 1, 2001, 3% of

1 final average compensation for each year of creditable
2 service; if retirement occurs before January 1, 2001, 2
3 1/4% of final average compensation for each of the first
4 10 years of creditable service, 2 1/2% for each year above
5 10 years to and including 20 years of creditable service,
6 and 2 3/4% for each year of creditable service above 20
7 years; and

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

17 Such annuity shall be subject to a maximum of 75% of final
18 average compensation if retirement occurs before January 1,
19 2001 or to a maximum of 80% of final average compensation if
20 retirement occurs on or after January 1, 2001.

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

26 (b) For the purpose of this Section, "eligible creditable

1 service" means creditable service resulting from service in
2 one or more of the following positions:

3 (1) State policeman;

4 (2) fire fighter in the fire protection service of a
5 department;

6 (3) air pilot;

7 (4) special agent;

8 (5) investigator for the Secretary of State;

9 (6) conservation police officer;

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

12 (8) security employee of the Department of Human
13 Services;

14 (9) Central Management Services security police
15 officer;

16 (10) security employee of the Department of
17 Corrections or the Department of Juvenile Justice;

18 (11) dangerous drugs investigator;

19 (12) investigator for the Illinois State Police;

20 (13) investigator for the Office of the Attorney
21 General;

22 (14) controlled substance inspector;

23 (15) investigator for the Office of the State's
24 Attorneys Appellate Prosecutor;

25 (16) Commerce Commission police officer;

26 (17) arson investigator;

1 (18) State highway maintenance worker;

2 (19) security employee of the Department of Innovation
3 and Technology; or

4 (20) transferred employee.

5 A person employed in one of the positions specified in
6 this subsection is entitled to eligible creditable service for
7 service credit earned under this Article while undergoing the
8 basic police training course approved by the Illinois Law
9 Enforcement Training Standards Board, if completion of that
10 training is required of persons serving in that position. For
11 the purposes of this Code, service during the required basic
12 police training course shall be deemed performance of the
13 duties of the specified position, even though the person is
14 not a sworn peace officer at the time of the training.

15 A person under paragraph (20) is entitled to eligible
16 creditable service for service credit earned under this
17 Article on and after his or her transfer by Executive Order No.
18 2003-10, Executive Order No. 2004-2, or Executive Order No.
19 2016-1.

20 (c) For the purposes of this Section:

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

24 (2) The term "fire fighter in the fire protection
25 service of a department" includes all officers in such
26 fire protection service including fire chiefs and

1 assistant fire chiefs.

2 (3) The term "air pilot" includes any employee whose
3 official job description on file in the Department of
4 Central Management Services, or in the department by which
5 he is employed if that department is not covered by the
6 Personnel Code, states that his principal duty is the
7 operation of aircraft, and who possesses a pilot's
8 license; however, the change in this definition made by
9 Public Act 83-842 shall not operate to exclude any
10 noncovered employee who was an "air pilot" for the
11 purposes of this Section on January 1, 1984.

12 (4) The term "special agent" means any person who by
13 reason of employment by the Division of Narcotic Control,
14 the Bureau of Investigation or, after July 1, 1977, the
15 Division of Criminal Investigation, the Division of
16 Internal Investigation, the Division of Operations, the
17 Division of Patrol Operations, or any other Division or
18 organizational entity in the Illinois State Police is
19 vested by law with duties to maintain public order,
20 investigate violations of the criminal law of this State,
21 enforce the laws of this State, make arrests and recover
22 property. The term "special agent" includes any title or
23 position in the Illinois State Police that is held by an
24 individual employed under the Illinois State Police Act.

25 (5) The term "investigator for the Secretary of State"
26 means any person employed by the Office of the Secretary

1 of State and vested with such investigative duties as
2 render him 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 A person who became employed as an investigator for
6 the Secretary of State between January 1, 1967 and
7 December 31, 1975, and who has served as such until
8 attainment of age 60, either continuously or with a single
9 break in service of not more than 3 years duration, which
10 break terminated before January 1, 1976, shall be entitled
11 to have his retirement annuity calculated in accordance
12 with subsection (a), notwithstanding that he has less than
13 20 years of credit for such service.

14 (6) The term "Conservation Police Officer" means any
15 person employed by the Division of Law Enforcement of the
16 Department of Natural Resources and vested with such law
17 enforcement duties as render him ineligible for coverage
18 under the Social Security Act by reason of Sections
19 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The
20 term "Conservation Police Officer" includes the positions
21 of Chief Conservation Police Administrator and Assistant
22 Conservation Police Administrator.

23 (7) The term "investigator for the Department of
24 Revenue" means any person employed by the Department of
25 Revenue and vested with such investigative duties as
26 render him ineligible for coverage under the Social

1 Security Act by reason of Sections 218(d)(5)(A),
2 218(d)(8)(D) and 218(1)(1) of that Act.

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

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

1 218(1)(1) of that Act. "Security unit" means that portion
2 of a facility that is devoted to the care, containment,
3 and treatment of persons committed to the Department of
4 Human Services as sexually violent persons, persons unfit
5 to stand trial, or persons not guilty by reason of
6 insanity. With respect to past employment, references to
7 the Department of Human Services include its predecessor,
8 the Department of Mental Health and Developmental
9 Disabilities.

10 The changes made to this subdivision (c)(8) by Public
11 Act 92-14 apply to persons who retire on or after January
12 1, 2001, notwithstanding Section 1-103.1.

13 (9) "Central Management Services security police
14 officer" means any person employed by the Department of
15 Central Management Services who is vested with such law
16 enforcement duties as render him ineligible for coverage
17 under the Social Security Act by reason of Sections
18 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

19 (10) For a member who first became an employee under
20 this Article before July 1, 2005, the term "security
21 employee of the Department of Corrections or the
22 Department of Juvenile Justice" means any employee of the
23 Department of Corrections or the Department of Juvenile
24 Justice or the former Department of Personnel, and any
25 member or employee of the Prisoner Review Board, who has
26 daily contact with inmates or youth by working within a

1 correctional facility or Juvenile facility operated by the
2 Department of Juvenile Justice or who is a parole officer
3 or an employee who has direct contact with committed
4 persons in the performance of his or her job duties. For a
5 member who first becomes an employee under this Article on
6 or after July 1, 2005, the term means an employee of the
7 Department of Corrections or the Department of Juvenile
8 Justice who is any of the following: (i) officially
9 headquartered at a correctional facility or Juvenile
10 facility operated by the Department of Juvenile Justice,
11 (ii) a parole officer, (iii) a member of the apprehension
12 unit, (iv) a member of the intelligence unit, (v) a member
13 of the sort team, or (vi) an investigator.

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

17 (12) The term "investigator for the Illinois State
18 Police" means a person employed by the Illinois State
19 Police who is vested under Section 4 of the Narcotic
20 Control Division Abolition Act with such law enforcement
21 powers as render him ineligible for coverage under the
22 Social Security Act by reason of Sections 218(d)(5)(A),
23 218(d)(8)(D) and 218(1)(1) of that Act.

24 (13) "Investigator for the Office of the Attorney
25 General" means any person who is employed as such by the
26 Office of the Attorney General and is vested with such

1 investigative duties as render him ineligible for coverage
2 under the Social Security Act by reason of Sections
3 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act. For
4 the period before January 1, 1989, the term includes all
5 persons who were employed as investigators by the Office
6 of the Attorney General, without regard to social security
7 status.

8 (14) "Controlled substance inspector" means any person
9 who is employed as such by the Department of Professional
10 Regulation and is vested with such law enforcement duties
11 as render him ineligible for coverage under the Social
12 Security Act by reason of Sections 218(d)(5)(A),
13 218(d)(8)(D) and 218(1)(1) of that Act. The term
14 "controlled substance inspector" includes the Program
15 Executive of Enforcement and the Assistant Program
16 Executive of Enforcement.

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

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

1 218(1)(1) of that Act.

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

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

20 (i) A person employed on a full-time basis by the
21 Illinois Department of Transportation in the position
22 of highway maintainer, highway maintenance lead
23 worker, highway maintenance lead/lead worker, heavy
24 construction equipment operator, power shovel
25 operator, or bridge mechanic; and whose principal
26 responsibility is to perform, on the roadway, the

1 actual maintenance necessary to keep the highways that
2 form a part of the State highway system in serviceable
3 condition for vehicular traffic.

4 (ii) A person employed on a full-time basis by the
5 Illinois State Toll Highway Authority in the position
6 of equipment operator/laborer H-4, equipment
7 operator/laborer H-6, welder H-4, welder H-6,
8 mechanical/electrical H-4, mechanical/electrical H-6,
9 water/sewer H-4, water/sewer H-6, sign maker/hanger
10 H-4, sign maker/hanger H-6, roadway lighting H-4,
11 roadway lighting H-6, structural H-4, structural H-6,
12 painter H-4, or painter H-6; and whose principal
13 responsibility is to perform, on the roadway, the
14 actual maintenance necessary to keep the Authority's
15 tollways in serviceable condition for vehicular
16 traffic.

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

24 (20) "Transferred employee" means an employee who was
25 transferred to the Department of Central Management
26 Services by Executive Order No. 2003-10 or Executive Order

1 No. 2004-2 or transferred to the Department of Innovation
2 and Technology by Executive Order No. 2016-1, or both, and
3 was entitled to eligible creditable service for services
4 immediately preceding the transfer.

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

13 (i) 25 years of eligible creditable service and age
14 55; or

15 (ii) beginning January 1, 1987, 25 years of eligible
16 creditable service and age 54, or 24 years of eligible
17 creditable service and age 55; or

18 (iii) beginning January 1, 1988, 25 years of eligible
19 creditable service and age 53, or 23 years of eligible
20 creditable service and age 55; or

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

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

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

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

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

21 (f) For purposes of calculating retirement annuities under
22 this Section, periods of service rendered after December 31,
23 1968 and before October 1, 1975 as a covered employee in the
24 position of special agent, conservation police officer, mental
25 health police officer, or investigator for the Secretary of
26 State, shall be deemed to have been service as a noncovered

1 employee, provided that the employee pays to the System prior
2 to retirement an amount equal to (1) the difference between
3 the employee contributions that would have been required for
4 such service as a noncovered employee, and the amount of
5 employee contributions actually paid, plus (2) if payment is
6 made after July 31, 1987, regular interest on the amount
7 specified in item (1) from the date of service to the date of
8 payment.

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

21 (g) A State policeman may elect, not later than January 1,
22 1990, to establish eligible creditable service for up to 10
23 years of his service as a policeman under Article 3, by filing
24 a written election with the Board, accompanied by payment of
25 an amount to be determined by the Board, equal to (i) the
26 difference between the amount of employee and employer

1 contributions transferred to the System under Section 3-110.5,
2 and the amounts that would have been contributed had such
3 contributions been made at the rates applicable to State
4 policemen, plus (ii) interest thereon at the effective rate
5 for each year, compounded annually, from the date of service
6 to the date of payment.

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

20 (h) Subject to the limitation in subsection (i), a State
21 policeman or investigator for the Secretary of State may elect
22 to establish eligible creditable service for up to 12 years of
23 his service as a policeman under Article 5, by filing a written
24 election with the Board on or before January 31, 1992, and
25 paying to the System by January 31, 1994 an amount to be
26 determined by the Board, equal to (i) the difference between

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

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

21 Subject to the limitation in subsection (i), a State
22 policeman, conservation police officer, or investigator for
23 the Secretary of State may elect to establish eligible
24 creditable service for up to 5 years of service as a police
25 officer under Article 3, a policeman under Article 5, a
26 sheriff's law enforcement employee under Article 7, a member

1 of the county police department under Article 9, or a police
2 officer under Article 15 by filing a written election with the
3 Board and paying to the System an amount to be determined by
4 the Board, equal to (i) the difference between the amount of
5 employee and employer contributions transferred to the System
6 under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4
7 and the amounts that would have been contributed had such
8 contributions been made at the rates applicable to State
9 policemen, plus (ii) interest thereon at the effective rate
10 for each year, compounded annually, from the date of service
11 to the date of payment.

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

1 policemen, plus (ii) interest thereon at the actuarially
2 assumed rate for each year, compounded annually, from the date
3 of service to the date of payment.

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

24 Subject to the limitation in subsection (i), a State
25 policeman, arson investigator, or Commerce Commission police
26 officer may elect to establish eligible creditable service for

1 up to 5 years of service as a person employed by a
2 participating municipality to perform police duties under
3 Article 7, a county corrections officer, a court services
4 officer under Article 9, or a firefighter under Article 4 by
5 filing a written election with the Board within 6 months after
6 July 30, 2021 (the effective date of Public Act 102-210) and
7 paying to the System an amount to be determined by the Board
8 equal to (i) the difference between the amount of employee and
9 employer contributions transferred to the System under
10 Sections 4-108.8, 7-139.8, and 9-121.10 and the amounts that
11 would have been contributed had such contributions been made
12 at the rates applicable to State policemen, plus (ii) interest
13 thereon at the actuarially assumed rate for each year,
14 compounded annually, from the date of service to the date of
15 payment.

16 Subject to the limitation in subsection (i), a
17 conservation police officer may elect to establish eligible
18 creditable service for up to 5 years of service as a person
19 employed by a participating municipality to perform police
20 duties under Article 7, a county corrections officer, or a
21 court services officer under Article 9 by filing a written
22 election with the Board within 6 months after July 30, 2021
23 (the effective date of Public Act 102-210) and paying to the
24 System an amount to be determined by the Board equal to (i) the
25 difference between the amount of employee and employer
26 contributions transferred to the System under Sections 7-139.8

1 and 9-121.10 and the amounts that would have been contributed
2 had such contributions been made at the rates applicable to
3 State policemen, plus (ii) interest thereon at the actuarially
4 assumed rate for each year, compounded annually, from the date
5 of service to the date of payment.

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

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

1 (j) Subject to the limitation in subsection (i), an
2 investigator for the Office of the State's Attorneys Appellate
3 Prosecutor or a controlled substance inspector may elect to
4 establish eligible creditable service for up to 10 years of
5 his service as a policeman under Article 3 or a sheriff's law
6 enforcement employee under Article 7, by filing a written
7 election with the Board, accompanied by payment of an amount
8 to be determined by the Board, equal to (1) the difference
9 between the amount of employee and employer contributions
10 transferred to the System under Section 3-110.6 or 7-139.8,
11 and the amounts that would have been contributed had such
12 contributions been made at the rates applicable to State
13 policemen, plus (2) interest thereon at the effective rate for
14 each year, compounded annually, from the date of service to
15 the date of payment.

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

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

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

26 (1-5) Subject to the limitation in subsection (i) of this

1 Section, a State policeman may elect to establish eligible
2 creditable service for up to 5 years of service as a full-time
3 law enforcement officer employed by the federal government or
4 by a state or local government located outside of Illinois for
5 which credit is not held in any other public employee pension
6 fund or retirement system. To obtain this credit, the
7 applicant must file a written application with the Board no
8 later than 3 years after January 1, 2020 (the effective date of
9 Public Act 101-610), accompanied by evidence of eligibility
10 acceptable to the Board and payment of an amount to be
11 determined by the Board, equal to (1) employee contributions
12 for the credit being established, based upon the applicant's
13 salary on the first day as an alternative formula employee
14 after the employment for which credit is being established and
15 the rates then applicable to alternative formula employees,
16 plus (2) an amount determined by the Board to be the employer's
17 normal cost of the benefits accrued for the credit being
18 established, plus (3) regular interest on the amounts in items
19 (1) and (2) from the first day as an alternative formula
20 employee after the employment for which credit is being
21 established to the date of payment.

22 (m) The amendatory changes to this Section made by Public
23 Act 94-696 apply only to: (1) security employees of the
24 Department of Juvenile Justice employed by the Department of
25 Corrections before June 1, 2006 (the effective date of Public
26 Act 94-696) and transferred to the Department of Juvenile

1 Justice by Public Act 94-696; and (2) persons employed by the
2 Department of Juvenile Justice on or after June 1, 2006 (the
3 effective date of Public Act 94-696) who are required by
4 subsection (b) of Section 3-2.5-15 of the Unified Code of
5 Corrections to have any bachelor's or advanced degree from an
6 accredited college or university or, in the case of persons
7 who provide vocational training, who are required to have
8 adequate knowledge in the skill for which they are providing
9 the vocational training.

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

21 (o) Subject to the limitation in subsection (i), a
22 conservation police officer, investigator for the Secretary of
23 State, Commerce Commission police officer, investigator for
24 the Department of Revenue or the Illinois Gaming Board, or
25 arson investigator subject to subsection (g) of Section 1-160
26 may elect to convert up to 8 years of service credit

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

18 (p) Subject to the limitation in subsection (i), an
19 investigator for the Office of the Attorney General subject to
20 subsection (g) of Section 1-160 may elect to convert up to 8
21 years of service credit established before the effective date
22 of this amendatory Act of the 102nd General Assembly as an
23 investigator for the Office of the Attorney General under this
24 Article into eligible creditable service by filing a written
25 election with the Board no later than one year after the
26 effective date of this amendatory Act of the 102nd General

1 Assembly, accompanied by payment of an amount to be determined
2 by the Board equal to (i) the difference between the amount of
3 the employee contributions actually paid for that service and
4 the amount of the employee contributions that would have been
5 paid had the employee contributions been made as a noncovered
6 employee serving in a position in which eligible creditable
7 service, as defined in this Section, may be earned, plus (ii)
8 interest thereon at the effective rate for each year,
9 compounded annually, from the date of service to the date of
10 payment.

11 (g) Subject to the limitation in subsection (i), a
12 security employee of the Department of Human Services who is
13 subject to subsection (g-1) of Section 1-160 may elect to
14 convert up to 9 years of service credit established before the
15 effective date of this amendatory Act of the 103rd General
16 Assembly as a security employee of the Department of Human
17 Services to eligible creditable service by filing a written
18 election with the Board no later than one year after the
19 effective date of this amendatory Act of the 103rd General
20 Assembly, accompanied by payment of an amount, to be
21 determined by the Board, equal to (i) the difference between
22 the amount of the employee contributions actually paid for
23 that service and the amount of the employee contributions that
24 would have been paid had the employee contributions been made
25 as a covered employee serving in a position in which eligible
26 creditable service, as defined in this Section, may be earned,

1 plus (ii) interest thereon at the effective rate for each
2 year, compounded annually, from the date of service to the
3 date of payment.

4 (Source: P.A. 101-610, eff. 1-1-20; 102-210, eff. 7-30-21;
5 102-538, eff. 8-20-21; 102-956, eff. 5-27-22.)

6 (40 ILCS 5/14-152.1)

7 Sec. 14-152.1. Application and expiration of new benefit
8 increases.

9 (a) As used in this Section, "new benefit increase" means
10 an increase in the amount of any benefit provided under this
11 Article, or an expansion of the conditions of eligibility for
12 any benefit under this Article, that results from an amendment
13 to this Code that takes effect after June 1, 2005 (the
14 effective date of Public Act 94-4). "New benefit increase",
15 however, does not include any benefit increase resulting from
16 the changes made to Article 1 or this Article by Public Act
17 96-37, Public Act 100-23, Public Act 100-587, Public Act
18 100-611, Public Act 101-10, Public Act 101-610, Public Act
19 102-210, Public Act 102-856, Public Act 102-956, or this
20 amendatory Act of the 103rd General Assembly ~~this amendatory~~
21 ~~Act of the 102nd General Assembly.~~

22 (b) Notwithstanding any other provision of this Code or
23 any subsequent amendment to this Code, every new benefit
24 increase is subject to this Section and shall be deemed to be
25 granted only in conformance with and contingent upon

1 compliance with the provisions of this Section.

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

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

22 (d) Every new benefit increase shall expire 5 years after
23 its effective date or on such earlier date as may be specified
24 in the language enacting the new benefit increase or provided
25 under subsection (c). This does not prevent the General
26 Assembly from extending or re-creating a new benefit increase

1 by law.

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

12 (Source: P.A. 101-10, eff. 6-5-19; 101-81, eff. 7-12-19;
13 101-610, eff. 1-1-20; 102-210, eff. 7-30-21; 102-856, eff.
14 1-1-23; 102-956, eff. 5-27-22.)

15 Section 99. Effective date. This Act takes effect January
16 1, 2024.