



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB1561

Introduced 2/14/2005, by Rep. Jay C. Hoffman

SYNOPSIS AS INTRODUCED:

40 ILCS 5/3-120
30 ILCS 805/8.29 new

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

Amends the Downstate Police Article of the Illinois Pension Code. Allows payment of a survivor's pension to the surviving spouse and children of a marriage occurring after retirement, if the surviving spouse and the deceased police officer were married for at least one year immediately preceding the date of death. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB094 08082 AMC 38266 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT in relation to 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 changing
5 Section 3-120 as follows:

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

7 Sec. 3-120. Marriage after retirement.

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

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

24 (c) Beginning January 1, 2006, this Section does not
25 disqualify the surviving spouse and children of a police
26 officer from receiving a survivor's pension if the surviving
27 spouse was married to the police officer for at least one year
28 immediately preceding the officer's death. This subsection
29 applies without regard to whether the deceased police officer
30 was in service on or after the effective date of this
31 amendatory Act of the 94th General Assembly. In the case of a
32 person who becomes eligible for a survivor's pension under this

1 subsection because of the death of a police officer who died
2 before that effective date, the pension shall begin to accrue
3 on the first day of the month following the month in which an
4 application for that pension is received by the Board, but in
5 no event sooner than January 1, 2006, and in no event before
6 the repayment, with interest, of any refund of contributions
7 previously received from the fund.

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

9 Section 90. The State Mandates Act is amended by adding
10 Section 8.29 as follows:

11 (30 ILCS 805/8.29 new)

12 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8
13 of this Act, no reimbursement by the State is required for the
14 implementation of any mandate created by this amendatory Act of
15 the 94th General Assembly.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.