

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 changing
5 Sections 3-109.1 and 3-124.1 as follows:

6 (40 ILCS 5/3-109.1) (from Ch. 108 1/2, par. 3-109.1)
7 Sec. 3-109.1. Chief of police.

8 (a) Beginning January 1, 1990, any person who is employed
9 as the chief of police of a "participating municipality" as
10 defined in Section 7-106 of this Code, may elect to participate
11 in the Illinois Municipal Retirement Fund rather than in a fund
12 created under this Article 3. Except as provided in subsection
13 (b), this election shall be irrevocable, and shall be filed in
14 writing with the Board of the Illinois Municipal Retirement
15 Fund.

16 (a-5) A chief of police who, after the effective date of
17 this amendatory Act of the 99th General Assembly, elects to
18 participate in the Illinois Municipal Retirement Fund under
19 this Section shall immediately:

20 (i) give notice of that employment to every police
21 pension fund established under this Article in which he or
22 she has service credit or any entitlement to a pension or
23 other benefit; and

1 (ii) give notice to the Illinois Municipal Retirement
2 Fund of every police pension fund established under this
3 Article in which he or she has service credit or any
4 entitlement to a pension or other benefit.

5 (b) Until January 1, 1999, a chief of police who has
6 elected under this Section to participate in IMRF rather than a
7 fund created under this Article may elect to rescind that
8 election and transfer his or her participation to the police
9 pension fund established under this Article by the employing
10 municipality. The chief must notify the boards of trustees of
11 both funds in writing of his or her decision to rescind the
12 election and transfer participation. A chief of police who
13 transfers participation under this subsection (b) shall not be
14 deemed ineligible to participate in the police pension fund by
15 reason of having failed to apply within the 3-month period
16 specified in Section 3-106.

17 (Source: P.A. 90-460, eff. 8-17-97.)

18 (40 ILCS 5/3-124.1) (from Ch. 108 1/2, par. 3-124.1)

19 Sec. 3-124.1. Re-entry into active service.

20 (a) If a police officer who is receiving pension payments
21 (other than as provided in Section 3-109.3) re-enters active
22 service under this Article with the same municipality, pension
23 payment shall be suspended while he or she is in service. When
24 he or she again retires, pension payments shall be resumed. If
25 the police officer remains in service after re-entry for a

1 period of less than 5 years, the pension shall be the same as
2 upon first retirement. If the officer's service after re-entry
3 is at least 5 years and the officer makes the required
4 contributions during the period of re-entry, his or her pension
5 shall be recomputed by taking into account the additional
6 period of service and salary.

7 (b) If a person who first entered service under this
8 Article after the effective date of this amendatory Act of the
9 99th General Assembly is receiving pension payments (other than
10 as provided in Section 3-109.3) and enters active service as a
11 police officer under this Article with a different
12 municipality, he or she shall immediately notify the pension
13 fund that is making those pension payments of the return to
14 service under this Article, and the pension payments shall be
15 suspended while the person is in service. The suspension shall
16 end upon termination of the service, regardless of whether or
17 not the person qualifies for a pension based on that service.

18 (c) If a person who first entered service under this
19 Article after the effective date of this amendatory Act of the
20 99th General Assembly is receiving pension payments (other than
21 as provided in Section 3-109.3) and begins employment as a
22 chief of police, then regardless of whether he or she elects to
23 participate in a pension fund under this Article, elects under
24 Section 3-109.1 to participate in the Illinois Municipal
25 Retirement Fund, or chooses not to participate in either of
26 those funds with respect to that employment, he or she shall

1 immediately give notice of that employment to the pension fund
2 that is making the pension payments, and the pension payments
3 shall be suspended for the period of that employment. The
4 suspension shall end upon termination of the employment,
5 regardless of whether or not the person qualifies for a
6 pension, increase in pension, or other retirement benefit based
7 on that employment.

8 (d) Notwithstanding the other provisions of this Section,
9 if a person is receiving pension payments under this Article
10 and enters active service as a police officer under this
11 Article with a different municipality, he or she is not subject
12 to the notification requirements of this Section and is not
13 subject to suspension of pension payments while in that active
14 service, if that different municipality had a population of
15 less than 6,000 at the time of the return to active service, as
16 determined from the best available census data.

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