

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
5 changing Section 9-128.1 as follows:

6 (40 ILCS 5/9-128.1) (from Ch. 108 1/2, par. 9-128.1)

7 Sec. 9-128.1. Annuities for members of the County Police
8 Department.

9 (a) In lieu of the regular or minimum annuity or
10 annuities for any deputy sheriff who is a member of a County
11 Police Department, he may, upon withdrawal from service
12 after not less than 20 years of service in the position of
13 deputy sheriff as defined below, upon or after attainment of
14 age 55, receive a total annuity equal to 2% for each year of
15 service based upon his highest average annual salary for--any
16 4--consecutive--years--within--the--last--10--years--of--service
17 immediately-preceding-the-date-of--withdrawal--from--service,
18 subject to a maximum annuity equal to 75% of such average
19 annual salary.

20 (b) Any deputy sheriff who withdraws from the service
21 after July 1, 1979, after having attained age 53 in the
22 service with 23 or more years of service credit shall be
23 entitled to an annuity computed as follows if such annuity is
24 greater than that provided in the foregoing paragraphs of
25 this Section 9-128.1: An annuity equal to 50% of the average
26 salary for-the-4-highest-consecutive-years--of--the--last--10
27 years--of--service plus additional annuity equal to 2% of such
28 average salary for each completed year of service or fraction
29 thereof rendered after his attainment of age 53 and the
30 completion of 23 years of service, plus an additional annuity
31 equal to 1% of such average salary for each completed year of

1 service or fraction thereof in excess of 23 years up to age
2 53.

3 (c) Any deputy sheriff who withdraws from the service
4 after December 31, 1987 with 20 or more years of service
5 credit, shall be entitled, upon attainment of age 50, to an
6 annuity computed as follows if such annuity is greater than
7 that provided in the foregoing paragraphs of this Section
8 9-128.1: An annuity equal to 50% of the average salary for
9 ~~the-4-highest-consecutive-years--of--the--last--10--years--of~~
10 ~~service,~~ plus additional annuity equal to 2% of such average
11 salary for each completed year of service or fraction thereof
12 in excess of 20 years.

13 (d) A deputy sheriff who reaches compulsory retirement
14 age and who has less than 23 years of service shall be
15 entitled to a minimum annuity equal to an amount determined
16 by the product of (1) his years of service and (2) 2% of his
17 average salary for ~~the-4-consecutive-highest-years-of--salary~~
18 ~~within--the-last-10-years-of-service-immediately-prior-to-his~~
19 ~~reaching-compulsory-retirement-age.~~

20 (e) Any deputy sheriff who retires after January 1, 1984
21 and elects to receive an annuity under this Section, and who
22 has credits under this Article for service not as a deputy
23 sheriff, shall be entitled to receive, in addition to the
24 amount of annuity otherwise provided under this Section, an
25 additional amount of annuity provided from the totals
26 accumulated to his credit for prior service and age and
27 service annuities for such service not as a deputy sheriff.

28 (f) The term "deputy sheriff" means an employee charged
29 with the duty of law enforcement as a deputy sheriff as
30 specified in Section 1 of "An Act in relation to County
31 Police Departments in certain Counties, creating a County
32 Police Department Merit Board and defining its powers and
33 duties", approved August 5, 1963, who rendered service in
34 such position before and after such date.

1 The terms "deputy sheriff" and "member of a County Police
2 Department" shall also include an elected sheriff of the
3 county who has elected to become a contributor and who has
4 submitted to the board his written election to be included
5 within the provisions of this Section. With respect to any
6 such sheriff, service as the elected sheriff of the county
7 shall be deemed to be service in the position of deputy
8 sheriff for the purposes of this Section provided that the
9 employee contributions therefor are made at the rate
10 prescribed for members of the County Police Department. A
11 sheriff electing to be included under this Section may also
12 elect to have his service as sheriff of the county before the
13 date of such election included as service as a deputy sheriff
14 for the purposes of this Section, by making an additional
15 contribution for each year of such service, equal to the
16 difference between the amount he would have contributed to
17 the Fund during such year had he been contributing at the
18 rate then in effect for members of the County Police
19 Department and the amount actually contributed, plus interest
20 thereon at the rate of 6% per annum from the end of such year
21 to the date of payment.

22 (g) In no case shall an annual annuity provided in this
23 Section 9-128.1 exceed 80% of the average annual salary for
24 ~~any-4-consecutive-years-within-the-last-10-years--of--service~~
25 ~~immediately-preceding-the-date-of-withdrawal-from-service.~~

26 A deputy sheriff may in addition, be entitled to the
27 benefits provided by Section 9-133 or 9-133.1 if he so
28 qualifies under such Sections.

29 (h) A deputy sheriff may elect, between January 1 and
30 January 15, 1983, to transfer his creditable service as a
31 member of the State Employees' Retirement System of Illinois
32 to any Fund established under this Article of which he is a
33 member, and such transferred creditable service shall be
34 included as service for the purpose of calculating his

1 benefits under this Article to the extent that the payment
2 specified in Section 14-105.3 has been received by such Fund.

3 (i) An active deputy sheriff who has at least 15 years
4 of service credit in that capacity may elect to have any or
5 all of his credits under this Article for service not as a
6 deputy sheriff deemed to be credits for service as a deputy
7 sheriff, by filing a written election with the Board,
8 accompanied by payment of an amount to be determined by the
9 Board, equal to (1) the difference between the amount of
10 employee contributions actually contributed by the applicant
11 for such service not as a deputy sheriff, and the amounts
12 that would have been contributed had such contributions been
13 made at the rates applicable to service as a deputy sheriff,
14 plus (2) interest thereon at the rate of 3% per annum,
15 compounded annually, from the date of service to the date of
16 payment.

17 (j) Beginning on the effective date of this amendatory
18 Act of 1996, the terms "deputy sheriff" and "member of a
19 County Police Department" shall also include any chief of the
20 County Police Department or undersheriff of the County
21 Sheriff's Department who has submitted to the board his or
22 her written election to be included within the provisions of
23 this Section. With respect to any such police chief or
24 undersheriff, service as a chief of the County Police
25 Department or an undersheriff of the County Sheriff's
26 Department shall be deemed to be service in the position of
27 deputy sheriff for the purposes of this Section, provided
28 that the employee contributions therefor are made at the rate
29 prescribed for members of the County Police Department.

30 A chief of the County Police Department or undersheriff
31 of the County Sheriff's Department electing to be included
32 under this Section may also elect to have his or her service
33 as chief of the County Police Department or undersheriff of
34 the County Sheriff's Department before the date of the

1 election included as service as a deputy sheriff for the
2 purposes of this Section, by making an additional
3 contribution for each year of such service, equal to the
4 difference between the amount that he or she would have
5 contributed to the Fund during that year at the rate then in
6 effect for members of the County Police Department and the
7 amount actually contributed, plus interest thereon at the
8 rate of 6% per year, compounded annually, from the end of
9 that year to the date of payment.

10 A chief of the County Police Department or undersheriff
11 of the County Sheriff's Department who has elected to be
12 included within the provisions of this Section may transfer
13 to this Fund credits and creditable service accumulated under
14 any pension fund or retirement system established under
15 Article 3, 7, 8, 14, or 15, upon payment to the Fund of (1)
16 the amount by which the employee contributions that would
17 have been required if he or she had participated in this Fund
18 during the period for which credit is being transferred, plus
19 interest, plus an equal amount for employer contributions,
20 exceeds the amounts actually transferred from that other fund
21 or system to this Fund, plus (2) interest thereon at 6% per
22 year, compounded annually, from the date of transfer to the
23 date of payment.

24 A chief of the County Police Department or undersheriff
25 of the County Sheriff's Department may purchase credits and
26 creditable service for up to 2 years of public employment
27 rendered to an out-of-state public agency. Payment for that
28 service shall be at the applicable rates in effect for
29 employee and employer contributions during the period for
30 which credit is being purchased, plus interest at the rate of
31 6% per year, compounded annually, from the date of service
32 until the date of payment.

33 (k) For the purposes of this Section, "average salary"
34 means:

1 (1) For a person who withdraws from service before
2 the effective date of this amendatory Act of the 92nd
3 General Assembly, the average annual salary for the
4 highest 4 consecutive years within the last 10 years of
5 service immediately preceding the date of withdrawal from
6 service.

7 (2) For a person who withdraws from service on or
8 after the effective date of this amendatory Act of the
9 92nd General Assembly, the annual salary on the last day
10 of service as a member of the county police department or
11 the average annual salary for the highest 12 consecutive
12 months within the last 10 years of service immediately
13 preceding the date of withdrawal from service, whichever
14 is greater.

15 (Source: P.A. 89-643, eff. 8-9-96.)

16 Section 90. The State Mandates Act is amended by adding
17 Section 8.25 as follows:

18 (30 ILCS 805/8.25 new)

19 Sec. 8.25. Exempt mandate. Notwithstanding Sections 6
20 and 8 of this Act, no reimbursement by the State is required
21 for the implementation of any mandate created by this
22 amendatory Act of the 92nd General Assembly.

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.