COMMISSION ON GOVERNMENT FORECASTING AND ACCOUNTABILITY

PENSION IMPACT NOTE

101ST GENERAL ASSEMBLY

BILL NO: **HB 4287** January 30, 2020

SPONSOR (S): Reick

SYSTEM(S): Teachers Retirement System, Chicago Teachers' Pension Fund

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FISCAL IMPACT: The fiscal impact of HB 4287 is not known, but is expected to be minor. Neither the process nor the burden of proof that the appropriate fund's Board of Trustees must apply in order to make a determination as to whether sexual abuse of a student occurred is articulated in the bill.

SUBJECT MATTER: HB 4287 would require the Boards of Trustees of both the Downstate Teachers and Chicago Teachers Pension Funds to order a member's benefits forfeited if the applicable board determines, in an administrative hearing, that the member sexually abused a student. HB 4287 applies to members who begin service in the two respective funds after the effective date of the bill.

COMMENT: Under current law, any teacher who is found guilty of a felony, relating to his or her service as a teacher, is not eligible to receive any retirement benefits.

HB 4287 would amend the Downstate Teacher and Chicago Teacher articles of the Illinois Pension Code with regard to members who begin service after the effective date of the bill. The bill requires employers under TRS and CTPF to notify the applicable system if a retiring member has been accused of sexually abusing a student. If a member is determined to have sexually abused a student by the applicable system's board of trustees, based on the results of an administrative hearing reviewing such a claim, then that member would not be eligible to receive retirement benefits.

The bill, in its current form, does not require a criminal conviction for sexual abuse for annuity forfeiture to occur, but merely a finding by the board that the abuse has taken place. The bill does not articulate the means by which a finding of sexual abuse is to be reached, nor does the bill establish the burden of proof that the board must satisfy in order to make a determination that a student has been sexually abused by a teacher nearing retirement.

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