



Commission on Government Forecasting and Accountability

PENSION IMPACT NOTE *103RD General Assembly*

BILL NO: **HB 1552**

February 1, 2023

SPONSOR (S): Tarver

SYSTEM: Downstate Police, Chicago Police, Illinois Municipal Retirement Fund (IMRF), Chicago Municipal, Cook County, Cook County Forest Preserve, State Employees, and State Universities Articles

FISCAL IMPACT

The fiscal impact of HB 1552 is not known, as the number of police officers who would be convicted of the offenses set forth in this bill is not known. To the extent that the fund in question would not have to pay pension benefits to individuals described in this bill, there would be a very slight positive impact to the pension fund.

SUBJECT MATTER: HB 1552 amends Downstate Police, Chicago Police, Illinois Municipal Retirement Fund (IMRF), Chicago Municipal, Cook County, Cook County Forest Preserve, State Employees, and State Universities Articles of the Illinois Pension Code. The bill allows for a court to order pension benefits earned from service as a police officer to be suspended if the person committed certain offenses (outlined below) using police authority, resources or other materials, threatened public safety, or acted against the guiding principles of law enforcement.

COMMENT: Under current law, pension fund members who are convicted of any felony relating to or arising out of or in connection with service as an employee shall stop receiving benefits provided by the Pension code upon conviction by a court of competent jurisdiction. The aforementioned felony forfeiture provision appears consistently across every article of the Pension Code. HB 1552 expands the circumstances in which benefits may be forfeited. The bill provides that, upon petition of the board of trustees of the appropriate retirement system, a circuit court may order that none of the pension benefits be paid to a person who is or was a police officer who begins service in the impacted pension funds on or after the effective date of the bill.

Below are the conditions which would lead to a forfeiture of pension benefits under HB 1552:

- 1) The disqualifying offense was committed with the use of police authority, resources, or other materials;
- 2) the disqualifying offense threatened public safety; or
- 3) the totality of the circumstances of the disqualifying offense are against the guiding principles and training of law enforcement.

All of the aforementioned pension forfeiture provisions stand as independent clauses. Only one of them need be satisfied for pension forfeiture to occur under this bill.

A “disqualifying offense” is defined by HB 1552 as any of the following offenses set forth in the Criminal Code of 1961 or the Criminal Code of 2012 or any substantially similar offense in federal law, the Uniform Code of Military Justice, or state law:

- 1) Indecent solicitation of a child.
- 2) Sexual exploitation of a child.
- 3) Custodial sexual misconduct.
- 4) Exploitation of a child.
- 5) Child pornography.
- 6) Aggravated child pornography.
- 7) First degree murder.
- 8) Second degree murder.
- 9) Predatory criminal sexual assault of a child.
- 10) Aggravated criminal sexual assault.
- 11) Criminal sexual assault.
- 12) Aggravated kidnaping.
- 13) Aggravated battery resulting in great bodily harm or permanent disability or disfigurement.

HB 1552 would create a statutory distinction between felony forfeiture as that term is defined currently, e.g., a felony conviction arising out of service in the pertinent article of the Pension Code, and the aforementioned offenses, which would not always require an officer to commit the offense in connection with his or her active service.

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