



Commission on Government Forecasting and Accountability

PENSION IMPACT NOTE *104th General Assembly*

BILL NO: **HB 1191**

January 23, 2025

SPONSOR (S): Reick

SYSTEM: Teachers' Retirement System (TRS) and Chicago Teachers' Pension Fund (CTPF)

FISCAL IMPACT

The fiscal impact of HB 1191 is not known as the number of future retiring members whose benefits might be forfeited through an administrative hearing regarding sexual abuse cannot be estimated. Since 2000, there have been only 4 felony forfeitures in TRS, for a variety of cases.

SUBJECT MATTER: HB 1191 amends the Downstate Teacher (TRS) and Chicago Teacher (CTPF) Articles of the Pension Code. This legislation requires that employers under both funds notify the respective boards of trustees if any retiring member has been accused of sexually abusing a student. The boards of the both systems would have the power to make a discretionary order to forfeit the member's benefits if the respective boards, through an administrative hearing, determine that a retiring member has sexually abused a student.

COMMENT:

Current Law

Currently, the Downstate Teacher (TRS) and Chicago Teacher (CTPF) Articles have felony conviction forfeiture provisions that stipulate that a member shall forfeit all the benefits provided under the respective systems if the member is convicted of any felony arising from and relating to the member's service as a teacher.

HB 1191

HB 1191 would mandate employers under either TRS or CTPF to notify the respective board of trustees of the retirement system of any retiring member accused of sexually abusing a student. Then, the pertinent board would be given the authority to review the sexual abuse accusations through an administrative hearing and to make a discretionary order to forfeit the benefits of the member if she or he is determined to have sexually abused a student. It is worth noting that HB 1191 does not require a criminal conviction for the member to lose pension benefits, nor does the bill specify that rulings of the respective pension boards with regard to sexual abuse must be subject to judicial review.

However, these provisions would apply only to persons who first join TRS or CTPF on or after the effective date of HB 1191. All teachers who enter or reenter service on or after the effective date of this bill shall be considered to have consented to the sexual abuse forfeiture provisions outlined in this legislation.

JB:bs

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