

Senate Bill 100

By: Senators Thompson of the 33rd, Bowen of the 13th and Thomas of the 2nd

**AS PASSED**

**A BILL TO BE ENTITLED**

**AN ACT**

1 To amend Code Section 47-17-80 of the Official Code of Georgia Annotated, relating to  
 2 retirement benefit options, payment to the surviving spouse, the effect of reemployment, the  
 3 effect of changes in retirement benefits, and payment on the death of a member under the  
 4 Peace Officers' Annuity and Benefit Fund, so as to provide that the retirement benefits of a  
 5 member of such fund who retired with at least 30 years of creditable service after attaining  
 6 the age of 55 years shall not be affected if such member returns to service as a peace officer;  
 7 to provide conditions for an effective date and automatic repeal; to repeal conflicting laws;  
 8 and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

10 Code Section 47-17-80 of the Official Code of Georgia Annotated, relating to retirement  
 11 benefit options, payment to the surviving spouse, the effect of reemployment, the effect of  
 12 changes in retirement benefits, and payment on the death of a member under the Peace  
 13 Officers' Annuity and Benefit Fund, is amended by striking in its entirety subsection (g) and  
 14 inserting in lieu thereof the following:  
 15

16 "(g)(1) Except as provided in ~~paragraph~~ paragraphs (2) and (3) of this subsection, any  
 17 member who again becomes employed as a peace officer after having been placed on  
 18 retirement under this Code section shall immediately notify the secretary-treasurer of  
 19 such reemployment. Retirement benefits being paid to such member shall be terminated  
 20 as of the date of such reemployment and shall remain terminated for the duration of such  
 21 reemployment. During such period of reemployment, said member shall pay regular  
 22 monthly dues into this fund. Upon meeting the requirements provided by law, such  
 23 member shall be entitled to all benefits provided for in Code Sections 47-17-81 and  
 24 47-17-82; but such member shall not be entitled to any increase in retirement benefits by  
 25 virtue of service during the period of reemployment unless such reemployment is for a  
 26 term of three years or more, in which instance such member may again apply for  
 27 retirement as if he or she had not previously been retired; and he or she shall be entitled  
 28 to such benefits as may be provided by law at that time, if he or she so chooses.

1 (2) The provisions of paragraph (1) of this subsection shall not apply to a retired member  
2 employed in any capacity for 1,040 hours or less in any calendar year.

3 (3) The provisions of paragraph (1) of this subsection shall not apply to a member  
4 otherwise qualified for a normal service retirement under this chapter with at least 30  
5 years of creditable service and who has attained the age of 55. Any such member may  
6 continue or reenter employment as a peace officer and shall for all purposes be  
7 considered a retired member of this fund."

## 8 SECTION 2.

9 This Act shall become effective on July 1, 2002, only if it is determined to have been  
10 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia  
11 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not  
12 become effective and shall be automatically repealed in its entirety on July 1, 2002, as  
13 required by subsection (a) of Code Section 47-20-50.

## 14 SECTION 3.

15 All laws and parts of laws in conflict with this Act are repealed.