

House Bill 1005

By: Representatives Smith of the 129th, Post 2, and Mosley of the 129th, Post 1

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 6 of Chapter 16 of Title 47 of the Official Code of Georgia Annotated,
2 relating to retirement benefits and death benefits in the Sheriffs' Retirement Fund of Georgia,
3 so as to provide that a sheriff with at least 30 years of creditable service who is at least 55
4 years of age may begin receiving a retirement benefit and continue in service; to provide
5 conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 6 of Chapter 16 of Title 47 of the Official Code of Georgia Annotated, relating to
10 retirement benefits and death benefits in the Sheriffs' Retirement Fund of Georgia, is
11 amended by striking in its entirety Code Section 47-16-100, relating to eligibility for
12 retirement benefits, and inserting in lieu thereof the following:

13 "47-16-100.

14 In order for a member to be eligible to receive retirement benefits under this chapter, he or
15 she must meet the following requirements:

16 (1) The member must have served a minimum of at least four years as a qualified and
17 commissioned sheriff of a county in the State of Georgia during which time the member
18 served as sheriff of the superior court of that county after and including January 1, 1961;
19 provided, however, as applied to any person first or again becoming a sheriff and a
20 member on or after July 1, 1988, the member must have served a minimum of at least
21 eight years as a qualified and commissioned sheriff of a county as provided in this
22 paragraph;

23 (2) The member must have paid dues as required by this chapter;

24 (3) He or she must have reached the age of 55 years, provided that any member who is
25 otherwise eligible to receive retirement benefits except for his or her having reached the
26 age of 60 years shall, from and after April 1, 1973, be eligible to receive retirement

1 benefits upon reaching the age of 55 years, even though he or she may have ceased to
2 hold the office of sheriff;

3 (4) He or she must have terminated his or her official capacity and service as a sheriff;
4 provided, however, that the provisions of this paragraph shall not apply to a member
5 otherwise qualified for a normal service retirement under this chapter with at least 30
6 years of creditable service and who has attained the age of 55. Any such member may
7 continue or reenter employment as a peace officer and shall for all purposes be
8 considered a retired member of this fund;

9 (5) He or she must have filed and received approval of such application for retirement
10 benefits as may be required by the board. The application shall be filed with the
11 secretary-treasurer within a period of 90 days, or as soon thereafter as possible, after
12 reaching 55 years of age or after termination of his or her official capacity and service as
13 a sheriff, whichever is the latter date; and

14 (6) He or she must have fully complied with all mandatory provisions of this chapter and
15 rules and regulations adopted by the board."

16 SECTION 2.

17 This Act shall become effective on July 1, 2004, only if it is determined to have been
18 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia
19 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not
20 become effective and shall be automatically repealed in its entirety on July 1, 2004, as
21 required by subsection (a) of Code Section 47-20-50.

22 SECTION 3.

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