

House Bill 567

By: Representatives Coleman of the 97<sup>th</sup>, Cummings of the 16<sup>th</sup>, and Bridges of the 10<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 5 of Article 8 of Chapter 2 of Title 47 of the Official Code of Georgia  
2 Annotated, relating to retirement benefits for certain law enforcement personnel under the  
3 Employees' Retirement System of Georgia, so as to increase the normal retirement benefit  
4 formula for certain employees of the Department of Corrections, officers and troopers of the  
5 Uniform Division of the Department of Public Safety, conservation rangers, alcohol and  
6 tobacco officers and agents, officers and agents of the Georgia Bureau of Investigation,  
7 enforcement officers of the Department of Transportation and the Department of Motor  
8 Vehicle Safety, and employees of the State Board of Pardons and Paroles who possess the  
9 power of arrest; to provide for retirement after 25 years of service without regard to age for  
10 such members; to provide for an election of participation; to provide for application and  
11 payment of contributions; to provide for related matters; to provide conditions for an  
12 effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 style="text-align:center">**SECTION 1.**

15 Part 5 of Article 8 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated,  
16 relating to retirement benefits for certain law enforcement personnel under the Employees'  
17 Retirement System of Georgia, is amended by inserting at the end thereof the following:

18 "47-2-226.

19 (a) As used in this Code section, the term:

20 (1) 'Highest average compensation' means the member's highest average monthly  
21 earnable compensation during a period of 24 consecutive calendar months while a  
22 member of the retirement system.

23 (2) 'Qualified law enforcement officer' means any person who is employed as:

24 (A) Any person employed by the Department of Corrections whose full-time duties  
25 include the preservation of public order, the protection of life and property, the  
26 detection of crime, or the supervision of inmates and detainees, and any person who is

- 1 a line supervisor of any such person. Such term shall include, without limitation, prison  
2 guards;
- 3 (B) An officer or trooper of the Uniform Division of the Department of Public Safety;  
4 (C) A conservation ranger of the Department of Natural Resources;  
5 (D) An alcohol and tobacco officer or agent of the Department of Revenue;  
6 (E) An officer or agent of the Georgia Bureau of Investigation;  
7 (F) An enforcement officer of the Department of Transportation;  
8 (G) An enforcement officer of the Department of Motor Vehicle Safety; or  
9 (H) A parole officer or any other employee of the State Board of Pardons and Paroles  
10 who possesses the power of arrest.
- 11 (b) Any qualified law enforcement officer in service on June 30, 2006, may elect to be  
12 governed by the provisions of this Code section. Any qualified law enforcement officer  
13 who becomes a member of this retirement system on or after July 1, 2006, shall be  
14 governed by the provisions of this Code section.
- 15 (c) An eligible law enforcement officer subject to the provisions of this Code section may  
16 retire at any time after attaining the age of 55 or upon accruing at least 25 years of  
17 creditable service, and, upon retirement, such retiree shall receive the regular retirement  
18 benefits under this chapter, provided that he or she shall in any case receive a minimum  
19 monthly retirement benefit equal to 3 percent of his or her highest average compensation  
20 for each year of creditable service; provided, however, that no such member shall receive  
21 a benefit in excess of 90 percent of his or her highest average compensation. Such member  
22 shall file an application therefor in a manner similar to that provided in Code Section  
23 47-2-110.
- 24 (d) Any member of this retirement system subject to the provisions of this Code section  
25 shall contribute an employee contribution of 10 percent of his or her earnable compensation  
26 in lieu of any other such employee contributions required by this chapter.
- 27 (e) Any member eligible to elect participation in the provisions of this Code section shall  
28 make application in writing not later than December 31, 2006. Such election shall be  
29 irrevocable and shall govern any subsequent period of membership after a break in service.
- 30 (f) Any member who becomes entitled to benefits under this subsection and who transfers  
31 to a position not covered by this subsection shall be governed by the provisions of this title  
32 relative to such subsequent position. The board shall calculate the amount of contributions  
33 made in excess of those required for the subsequent position and shall grant the member  
34 such creditable service as such amount warrants without creating any additional accrued  
35 liability to this retirement system. Such member shall thereafter be treated for all purposes  
36 as if he or she had never been covered by this Code section."

