

House Bill 895 (COMMITTEE SUBSTITUTE)

By: Representatives Yates of the 73rd, Lunsford of the 110th, Knight of the 126th, and Powell of the 29th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 47-17-1, relating to definitions relative to the Peace Officers´
2 Annuity and Benefit Fund, so as to provide that certain law enforcement officers who are
3 currently members of the Peace Officers´ Annuity and Benefit Fund who were transferred
4 to the Department of Driver Services or the Department of Public Safety in certain positions
5 shall be entitled to retain membership in the fund; to provide conditions for an effective date
6 and automatic repeal; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 47-17-1, relating to definitions relative to the Peace Officers´ Annuity and
10 Benefit Fund, is amended by striking in its entirety paragraph (5) and inserting in lieu thereof
11 the following:

12 "(5) 'Peace officer' means:

13 (A) Any peace officer who is employed by this state or any municipality, county, or
14 other political subdivision thereof who is required by the terms of such peace officer´s
15 employment, whether by election or appointment, to give such peace officer´s full time
16 to the preservation of public order, the protection of life and property, or the detection
17 of crime in this state or any municipality, county, or other political subdivision thereof
18 and who is required by the terms of such peace officer´s employment to comply with
19 the requirements of the 'Georgia Peace Officer Standards and Training Act' contained
20 in Chapter 8 of Title 35, provided that, for the purposes of this chapter, any deputy
21 sheriff employed as such by a sheriff of this state shall be deemed to be employed by
22 the county in which such sheriff serves;

23 (B) Any warden or correction officer of state or county correctional institutions and
24 any warden or correction officer of municipal correctional institutions of a municipality
25 having a population of 70,000 or more according to the United States decennial census
26 of 1970 or any future such census who is required by the terms of his or her

1 employment as such warden or correction officer to give his or her full time to his or
2 her job as such warden or correction officer; and any warden or correction officer of a
3 municipal correctional institution who on or before October 1, 1962, ~~pays~~ paid dues for
4 prior service shall be deemed to have been a member for such periods and shall be
5 entitled to all the rights and benefits to which other members during such periods are
6 entitled, provided that any such warden or correction officer as provided in this
7 subparagraph is required by the terms of his or her employment to comply with the
8 requirements of the 'Georgia Peace Officer Standards and Training Act' contained in
9 Chapter 8 of Title 35;

10 (C) All employees of the Peace Officers' Annuity and Benefit Fund who are required
11 by the terms of their employment to devote their full time to such job; and any such
12 full-time employee who on or before October 1, 1962, paid dues for prior service shall
13 be deemed to have been a member for such periods and shall be entitled to all the rights
14 and benefits to which other members are entitled;

15 (D) Any parole officers who are required by the terms of their employment to devote
16 full time to their job;

17 (E) Any law enforcement employee of the Alcohol and Tobacco Tax Unit of the
18 Department of Revenue who is required by the terms of his or her employment to
19 devote his or her full time to his or her job as a law enforcer, and any supervisor of such
20 employees who, himself or herself, is assigned to the Alcohol and Tobacco Tax Unit
21 and who is required by the terms of his or her employment to have arrest powers and
22 to enforce the alcohol and tobacco tax laws;

23 (F) Any person employed by the Department of Transportation who is designated by
24 the commissioner of transportation as an enforcement officer pursuant to Code Section
25 32-6-29, provided that such enforcement officers shall be entitled to creditable service
26 toward retirement only for membership service rendered after April 5, 1978, and only
27 for membership service which is rendered in such capacity prior to July 1, 2001;

28 (G) Any full-time identification technician or identification supervisor employed by
29 this state, or any subdivision or municipality thereof, whose duties include the
30 investigation and detection of crime or whose duties are supervisory over those
31 identification technicians whose duties include the investigation and detection of crime
32 in this state, and who ~~has~~ had been considered a member of the Peace Officers' Annuity
33 and Benefit Fund, and paid dues thereto, at any time on or before July 1, 1981; and such
34 identification technicians and identification supervisors shall be deemed to have been
35 members for such prior period of service that dues were paid and shall be entitled to all
36 rights and benefits to which other members are entitled;

37 (H) Reserved;

1 (I) Persons in the categories listed below who are required, as a condition necessary to
 2 carry out their duties, to be certified as peace officers pursuant to the provisions of
 3 Chapter 8 of Title 35, known as the 'Georgia Peace Officer Standards and Training Act':

4 (i) Persons employed by the Department of Juvenile Justice who have been
 5 designated by the commissioner of juvenile justice to investigate and apprehend
 6 delinquent and unruly children who have escaped from an institution or facility or
 7 have broken their conditions of supervision; any employee of the Department of
 8 Juvenile Justice whose full-time duties include the preservation of public order, the
 9 protection of life and property, the detection of crime, or the supervision of delinquent
 10 and unruly children in its institutions, facilities, or programs, or who is a line
 11 supervisor of any such employee, provided that the powers of a peace officer have
 12 been conferred upon such person pursuant to Chapter 4A of Title 49;

13 (ii) Narcotics agents retained by the director of the Georgia Bureau of Investigation
 14 pursuant to the provisions of Code Section 35-3-9;

15 (iii) Investigators employed by the Secretary of State as securities investigators
 16 pursuant to the provisions of Code Section 10-5-10;

17 (iv) Investigators employed by the Secretary of State as investigators for the
 18 professional licensing boards pursuant to the provisions of Code Section 43-1-5; and

19 (v) ~~Persons employed by the Department of Motor Vehicle Safety to whom the~~
 20 ~~commissioner of motor vehicle safety has delegated law enforcement powers~~
 21 Department of Driver Services as nonuniformed investigators pursuant to subsection
 22 (e) of Code Section 40-16-4 who were transferred to such position from the
 23 Department of Motor Vehicle Safety and who were, on June 30, 2006, members of
 24 the fund pursuant to Code Section 47-17-41; provided, however, that no such person
 25 shall be entitled to obtain any prior creditable service other than actual membership
 26 service; and

27 (vi) Persons employed by the Motor Carrier Compliance Division of the Department
 28 of Public Safety as law enforcement officers who were transferred to such position
 29 from the Department of Motor Vehicle Safety and who were, on June 30, 2006,
 30 members of the fund pursuant to Code Section 47-17-41; provided, however, that no
 31 such person shall be entitled to obtain any prior creditable service other than actual
 32 membership service;

33 (J) Any person who was a member of the fund pursuant to the definitions contained in
 34 subparagraphs (A) through (I) of this paragraph and who is subsequently promoted to
 35 a position of similar duties but broader supervisory duties, if such person's new position
 36 requires him or her to comply with the standards contained in Chapter 8 of Title 35, the

1 'Georgia Peace Officer Standards and Training Act,' and such person retains his or her
2 powers of arrest; and
3 (K) Any employee of the Department of Corrections whose full-time duties include the
4 preservation of public order, the protection of life and property, the detection of crime,
5 or the supervision of inmates and detainees or who is a line supervisor of any such
6 employee, provided that all such persons are required to comply with the requirements
7 of Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and Training Act,' in
8 order to hold their positions and in addition have been conferred with the powers of a
9 police officer pursuant to Code Section 42-5-35."

10 **SECTION 3.**

11 This Act shall become effective on July 1, 2006, only if it is determined to have been
12 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia
13 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not
14 become effective and shall be automatically repealed in its entirety on July 1, 2006, as
15 required by subsection (a) of Code Section 47-20-50.

16 **SECTION 4.**

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