

Senate Bill 96

By: Senators Golden of the 8th, Millar of the 40th and Bethel of the 54th

A BILL TO BE ENTITLED  
AN ACT

To amend Code Section 47-17-1 of the Official Code of Georgia Annotated, relating to definitions relative to the Peace Officers' Annuity and Benefit Fund, so as to change the definition of a certain term; to provide that certain employees of the Department of Natural Resources shall be eligible for membership in such fund; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Code Section 47-17-1 of the Official Code of Georgia Annotated, relating to definitions relative to the Peace Officers' Annuity and Benefit Fund, is amended by revising paragraph (5) as follows:

"(5) 'Peace officer' means:

~~(A) Any peace~~ an agent, operative, or officer who is employed by this state or any municipality, county, or other political subdivision thereof and who is required by the terms of ~~such peace officer's~~ his or her employment, whether by election or appointment, to ~~give such peace officer's~~ devote his or her full time, at least 32 compensated hours per week, to the preservation of public order, the protection of life and property, the enforcement of criminal statutes, ordinances, and regulations, or the detection of crime in this state or any municipality, county, or other political subdivision thereof ~~and who~~; is required by the terms of such ~~peace~~ agent's, operative's, or officer's employment to comply with the requirements of the 'Georgia Peace Officer Standards and Training Act' contained in Chapter 8 of Title 35; ~~provided that, for the purposes of this chapter, any~~; and has general arrest powers as designated by his or her position; provided, however, that such term shall include only the following persons and positions and shall not apply to any other employee of the state or authority of the state or any political subdivision of the state or authority of a political subdivision:

(A) ~~Any deputy sheriff employed as such by a sheriff of this state; provided, however, that any such person~~ shall be deemed to be employed by the county in which such sheriff serves;

(B) Any warden or correction officer of ~~a~~ state or county correctional ~~institutions~~ institution and any warden or correction officer of ~~a~~ municipal correctional ~~institutions~~ institution of a municipality having a population of 70,000 or more according to the United States decennial census of 1970 or any future such census who is required by the terms of his or her employment as such warden or correction officer to give his or her full time to his or her job as such warden or correction officer; and any warden or correction officer of a municipal correctional institution who on or before October 1, 1962, pays dues for prior service shall be deemed to have been a member for such periods and shall be entitled to all the rights and benefits to which other members during such periods are entitled, provided that any such warden or correction officer as provided in this subparagraph is required by the terms of his or her employment to comply with the requirements of the 'Georgia Peace Officer Standards and Training Act' contained in Chapter 8 of Title 35;

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

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

(E) Any ~~law enforcement~~ employee of the Alcohol and Tobacco Tax Unit of the Department of Revenue who is required by the terms of his or her employment to devote his or her full time to ~~his or her job as a law enforcer~~ the preservation of public order, the protection of life and property, the enforcement of criminal statutes, ordinances, and regulations, or the detection of crime in this state or any municipality, county, or other political subdivision of this state, and any supervisor of such employees who, himself or herself, is assigned to the Alcohol and Tobacco Tax Unit and who is required by the terms of his or her employment to have arrest powers and to enforce the alcohol and tobacco tax laws;

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

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

(H) ~~Reserved;~~

~~(I)~~ Persons in the categories listed below who are required to perform not fewer than 32 compensated hours per week and who are required, as a condition necessary to carry out their duties, to be certified as peace officers pursuant to the provisions of Chapter 8 of Title 35, known as the 'Georgia Peace Officer Standards and Training Act':

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

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

(iii) Investigators employed by the Secretary of State as securities investigators pursuant to the provisions of Code Section ~~10-5-10~~ 10-5-71;

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

(v) Persons employed by the Department of Driver Services to whom the commissioner of driver services has delegated law enforcement powers; provided, however, that no such person shall be entitled to obtain any prior creditable service other than actual membership service; and

(vi) Persons employed by the Georgia Composite Medical Board as investigators pursuant to subsection (e) of Code Section ~~43-34-24.1~~ 43-34-6;

(I) Any person employed by the Department of Natural Resources who is required by the terms of his or her employment to devote his or her full time to the preservation of

public order, the protection of life and property, the enforcement of criminal statutes, ordinances, and regulations, or the detection of crime in this state or any municipality, county, or other political subdivision of this state and who is required to comply with the requirements of the 'Georgia Peace Officer Standards and Training Act' contained in Chapter 8 of Title 35;

(J) Any person who was a member of the fund pursuant to the definitions contained in ~~subparagraphs (A) through (I)~~ of this paragraph and who is subsequently promoted to a position of similar duties but broader supervisory duties, if such person's new position requires him or her to comply with the standards contained in Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and Training Act,' and such person retains his or her powers of arrest; and

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

## **SECTION 2.**

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