

Senate Bill 137

By: Senator Hamrick of the 30th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 47 of the Official Code of Georgia Annotated, relating to retirement and
2 pensions, so as to update certain cross-references to Chapter 11 of Title 15; to provide
3 conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other
4 purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, is
8 amended by revising subsections (a) and (b) of Code Section 47-2-295.1, relating to
9 employees of the Department of Juvenile Justice, as follows:

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

11 (1) 'Department' means the Department of Juvenile Justice.

12 (2) 'Local retirement system' means a retirement or pension system maintained by a
13 county which includes as members thereof county probation and intake employees who
14 become employees of the department as a result of the county probation and intake
15 services' being transferred to the department pursuant to the provisions of Code Section
16 ~~15-11-24.3~~ 15-11-68, and the term includes any such retirement or pension system
17 created by law or created by ordinance or resolution of the county under the home rule
18 provisions of the Constitution of Georgia.

19 (3) 'Probation and intake employee' means a probation and intake employee as such term
20 is defined in paragraph ~~(1)~~ (53) of ~~subsection (a)~~ of Code Section ~~15-11-24.3~~ 15-11-2.

21 (b) Any person becoming an employee of the department at any time on or after July 1,
22 1993, as a result of a transfer of county probation and intake services to the department
23 pursuant to the provisions of Code Section ~~15-11-24.3~~ 15-11-68 shall have the options and
24 rights provided for by this Code section. The options available to any such employee under
25 this Code section must be exercised within 18 months after the date the applicable county
26 probation and intake services are transferred to the department. Any such option shall be

27 exercised by such employee notifying, in writing, the Board of Trustees of the Employees'
 28 Retirement System of Georgia, the governing authority of the applicable county, and, when
 29 applicable, the board of trustees or other managing body of any local retirement system of
 30 which the employee is a member. If the employee is a member of a local retirement
 31 system, such membership shall continue pending the exercise of an option provided by this
 32 Code section. The choice made by an employee in selecting an option provided by this
 33 Code section shall be irrevocable and may not at any time thereafter be rescinded or
 34 modified."

35 **SECTION 2.**

36 Said title is further amended by revising division (5) (A) (i) of Code Section 47-17-1, relating
 37 to definitions relative to the Peace Officers' Annuity and Benefit Fund, as follows:

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

47 **SECTION 3.**

48 Said title is further amended by revising paragraph (13) of Code Section 47-23-1, relating
 49 to definitions relative to the Georgia Judicial Retirement System, as follows:

50 "(13) 'Juvenile court judge' means a juvenile court judge now or hereafter appointed or
 51 otherwise holding office pursuant to Code Section ~~15-11-18~~ 15-11-50 relative to the
 52 creation of juvenile courts, except judges of the superior courts sitting as juvenile court
 53 judges and juvenile court judges who are members of local retirement or pension systems
 54 created by local law."

55 **SECTION 4.**

56 This Act shall become effective on January 1, 2013, only if an Act to substantially revise,
 57 supersede, and modernize provisions relating to juvenile proceedings is enacted and becomes
 58 law; otherwise, this Act shall not become effective and shall be automatically repealed in its
 59 entirety on January 1, 2013.

60

SECTION 5.

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