

The House Committee on Retirement offers the following substitute to SB 96:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 17 of Title 47 of the Official Code of Georgia Annotated, relating to the
2 Peace Officers' Annuity and Benefit Fund, so as to change the definition of a certain term;
3 to clarify certain provisions relating to membership by certain employees of the Department
4 of Natural Resources; to provide for cessation of membership for persons who change
5 employment duties; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

11 "(5) 'Peace officer' means:

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

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

29 (B) Any warden or correction officer of a state or county correctional ~~institutions~~
30 institution and any warden or correction officer of a municipal correctional ~~institutions~~
31 institution of a municipality having a population of 70,000 or more according to the
32 United States decennial census of 1970 or any future such census who is required by
33 the terms of his or her employment as such warden or correction officer to give his or
34 her full time to his or her job as such warden or correction officer; and any warden or
35 correction officer of a municipal correctional institution who on or before October 1,
36 1962, pays dues for prior service shall be deemed to have been a member for such
37 periods and shall be entitled to all the rights and benefits to which other members
38 during such periods are entitled, provided that any such warden or correction officer as
39 provided in this subparagraph is required by the terms of his or her employment to
40 comply with the requirements of the 'Georgia Peace Officer Standards and Training
41 Act' contained in Chapter 8 of Title 35;

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

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

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

58 (F) Any person employed by the Department of Transportation who is designated by
59 the commissioner of transportation as an enforcement officer pursuant to Code Section
60 32-6-29, provided that such enforcement officers shall be entitled to creditable service
61 toward retirement only for membership service rendered after April 5, 1978, and only
62 for membership service which is rendered in such capacity prior to July 1, 2001;

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

72 (H) ~~Reserved;~~

73 ~~(H)~~ Persons in the categories listed below who are required to perform not fewer than
 74 32 compensated hours per week and who are required, as a condition necessary to carry
 75 out their duties, to be certified as peace officers pursuant to the provisions of Chapter
 76 8 of Title 35, known as the 'Georgia Peace Officer Standards and Training Act':

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

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

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

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

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

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

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

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

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

111 ~~(K) Any employee of the Department of Corrections whose full-time duties include the~~
 112 ~~preservation of public order, the protection of life and property, the detection of crime,~~
 113 ~~or the supervision of inmates and detainees or who is a line supervisor of any such~~
 114 ~~employee, provided that all such persons are required to comply with the requirements~~
 115 ~~of Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and Training Act,' in~~
 116 ~~order to hold their positions and in addition have been conferred with the powers of a~~
 117 ~~police officer pursuant to Code Section 42-5-35 Any employee of the Department of~~
 118 ~~Corrections who is required by the terms of his or her employment to comply with the~~
 119 ~~requirements of Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and~~
 120 ~~Training Act':~~

121 (i) Who is assigned to a state correctional facility and whose full-time duties are
 122 substantially devoted to the supervision of inmates while assigned as a uniformed
 123 correction officer;

124 (ii) Who is a line supervisor of uniformed officers described in division (i) of this
 125 subparagraph; or

126 (iii) Who is a full-time probation officer."

127 **SECTION 2.**

128 Said chapter is further amended by adding a new Code section to read as follows:

129 "47-17-45.

130 If at any time a member of the fund ceases to be employed as a peace officer, his or her
 131 membership in the fund shall cease immediately. Any member of the fund whose job duties
 132 or employment position changes so as to render him or her ineligible for membership shall
 133 immediately notify the board of trustees and shall cease paying membership dues. The
 134 unknowing or erroneous acceptance of membership dues shall not confer a right to
 135 membership or to benefits under the fund."

136

SECTION 3.

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