

House Bill 343

By: Representative Willard of the 51<sup>st</sup>

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~~  
14 officers who become employees of the department as a result of the county probation and  
15 intake ~~services~~ services being transferred to the department pursuant to the provisions  
16 of Code Section ~~15-11-24.3~~ 15-11-69, and ~~the~~. The term includes any such retirement  
17 or pension system created by law or created by ordinance or resolution of the county  
18 under the home rule provisions of the Constitution ~~of Georgia~~.

19 (3) 'Probation and intake ~~employee officer~~' means a probation and intake ~~employee~~  
20 officer as such term is defined in ~~paragraph (1) of subsection (a) of Code Section~~  
21 ~~15-11-24.3~~ 15-11-2.

22 (b) Any ~~person~~ probation and intake officer becoming an employee of the department at  
23 any time on or after July 1, 1993, as a result of a transfer of county probation and intake  
24 services to the department pursuant to the provisions of Code Section ~~15-11-24.3~~ 15-11-69  
25 shall have the options and rights provided for by this Code section. The options available  
26 to any such employee under this Code section must be exercised within 18 months after the

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 35 thereafter be rescinded or modified."

### 36 SECTION 2.

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

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

### 49 SECTION 3.

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

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

### 57 SECTION 4.

58 This Act shall become effective on July 1, 2013, only if an Act to substantially revise,  
 59 supersede, and modernize provisions relating to juvenile proceedings is enacted and becomes

60 law; otherwise, this Act shall not become effective and shall be automatically repealed in its  
61 entirety on July 1, 2013.

62 **SECTION 5.**

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