

Senate Bill 249

By: Senators Albers of the 56th, Harper of the 7th and Robertson of the 29th

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 increase the amount of monthly dues paid
3 by members of the fund; to revise amounts collected from certain fines and forfeitures in
4 criminal and quasi-criminal cases; to increase the monthly benefit allowed upon retirement;
5 to provide for related matters; to provide conditions for an effective date and automatic
6 repeal; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 17 of Title 47 of the Official Code of Georgia Annotated, relating to the Peace
10 Officers' Annuity and Benefit Fund, is amended by revising subsection (a) of Code
11 Section 47-17-44, relating to amount of dues, deadline and minimum period for payments,
12 dues required for credit for service after March 1, 1951, and dues required for prior service
13 credit, as follows:

14 "(a)(1) Each member shall pay into the fund as dues the sum of ~~\$20.00~~ \$25.00 per month.

15 (2) On and after July 1, 2021, each member shall pay into the fund as dues a monthly
16 amount to be determined annually by the board that shall be at least \$25.00, but shall not
17 exceed \$30.00. The board shall determine the monthly dues amount based on:

18 (A) The recommendation of the actuary of the board;

19 (B) The maintenance of the actuarial soundness of the fund in accordance with the
20 standards provided in Code Section 47-20-10 or such higher standards as may be
21 adopted by the board; and

22 (C) Such other factors as the board declares relevant.

23 (3) Each month's dues shall be paid not later than the tenth day of that month.

24 (4) Each member shall be required to pay such dues for a minimum period of ten years,
25 or 15 years for individuals who became members on or after July 1, 2010, before being
26 eligible to receive the retirement benefits under this chapter, provided that, if such

27 member is eligible to retire under this chapter and so desires, such member may retire,
 28 and the board shall deduct such monthly amount from his or her retirement benefits until
 29 he or she has paid dues into the fund for a period of ten years or 15 years for individuals
 30 who became members on or after July 1, 2010."

31 **SECTION 2.**

32 Said chapter is further amended by revising subsection (a) of Code Section 47-17-60, relating
 33 to payments to the fund from fines and bonds collected in criminal and quasi-criminal cases,
 34 duty of collecting authority to record and remit sums collected, and penalty, as follows:

35 "(a) A portion of each fine collected and each bond forfeited and collected in any criminal
 36 or quasi-criminal case for violation of state statutes, county ordinances, or municipal
 37 ordinances, which case is before any court or tribunal in this state, shall be paid to the
 38 secretary-treasurer according to the following schedule:

39 (1) ~~Three~~ Seven dollars for any fine or bond forfeiture of more than \$4.00, but not more
 40 than \$25.00;

41 (2) ~~Four~~ Eight dollars for any fine or bond forfeiture of more than \$25.00, but not more
 42 than \$50.00;

43 (3) ~~Five~~ Nine dollars for any fine or bond forfeiture of more than \$50.00, but not more
 44 than \$100.00; or

45 (4) ~~Five~~ Eight percent of any fine or bond forfeiture of more than \$100.00.

46 For purposes of determining amounts to be paid to the secretary-treasurer, the amount of
 47 the fine or bond collected shall be deemed to include costs. The amounts provided for shall
 48 be paid to the secretary-treasurer before the payment of any costs or any claim whatsoever
 49 against such fine or forfeiture. The collecting authority shall pay such amounts to the
 50 secretary-treasurer on the first day of the month following that in which they were collected
 51 or at such other time as the board may provide. With such payment there shall be filed an
 52 acceptable form which shows the number of cases in each of the above categories and the
 53 amounts due in each category. It shall be the duty of the collecting authority to keep
 54 accurate records of the amounts due the board so that the records may be audited or
 55 inspected at any time by any representative of the board under its direction. Sums remitted
 56 to the secretary-treasurer under this Code section shall be used as provided for elsewhere
 57 in this chapter."

58 **SECTION 3.**

59 Said chapter is further amended by revising subsection (b) of Code Section 47-17-80, relating
 60 to retirement benefit options, payment to surviving spouse, requirements, effect of

61 reemployment, effect of change in retirement benefits, and payment on death of member, as
62 follows:

63 "(b)(1) Option One shall consist of a single life annuity payable in monthly payments for
64 the life of the member only. The monthly payment under this option shall be an amount
65 equal to ~~\$17.50~~ \$35.00 per month for each full year of creditable service and in the event
66 the member shall have additional service credit not totaling a full year, the further sum
67 of one-twelfth of the amount paid per month for each additional year of service credit
68 shall be paid for each month of additional service credit, provided that the member either
69 has at least ten years of membership service, or 15 years for ~~members who become~~
70 individuals who became members on or after July 1, 2010, and is at least 55 years of age
71 or has at least 30 years of creditable service, regardless of age. Such monthly benefit
72 payment shall be paid on each full year and additional full months of creditable service
73 up to a maximum of 30 years of total service.

74 (2) No member shall be eligible for benefits under this option until the member's official
75 duties as a peace officer have been terminated, except as otherwise provided in this
76 chapter, and unless the member files an application for retirement benefits within 90 days
77 from the date of the termination of the member's official duties as a peace officer, unless
78 prevented therefrom for good cause.

79 (3) If such member shall qualify for retirement benefits in every respect except for
80 completion of payment of monthly dues for the periods of time for which the member has
81 received service credit, dues shall be deducted from the member's monthly benefit check
82 until such dues have been paid in full.

83 (4) Any member who has at least ten years of membership service, or 15 years for
84 ~~members who become~~ individuals who became members on or after July 1, 2010, for
85 which dues have been fully paid but who has not reached 55 years of age may cease
86 paying monthly dues into the fund if the member's employment as a peace officer is
87 terminated; and upon reaching 55 years of age the member may be eligible to receive
88 retirement benefits under this option."

89 SECTION 4.

90 This Act shall become effective on July 1, 2020, only if it is determined to have been
91 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia
92 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not
93 become effective and shall be automatically repealed in its entirety on July 1, 2020, as
94 required by subsection (a) of Code Section 47-20-50.

95

SECTION 5.

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