

House Bill 657

By: Representatives Crowe of the 110th, Wiedower of the 119th, Hitchens of the 161st, Lumsden of the 12th, Gravley of the 67th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to the
2 Employees' Retirement System of Georgia, so as to allow sworn law enforcement officers
3 serving in and the commissioner and deputy commissioner of the Motor Carrier Compliance
4 Division and the Capitol Police Division of the Department of Public Safety to be eligible
5 for regular retirement benefits at the age of 55 years, certain disability benefits, and certain
6 provisions for purchasing creditable service; to provide conditions for an effective date and
7 automatic repeal; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to the Employees'
11 Retirement System of Georgia, is amended in Code Section 47-2-110, relating to retirement
12 ages, application and eligibility for a retirement allowance, suspension of retirement
13 allowance upon reemployment, and health benefits, by revising paragraph (2) of subsection
14 (a) as follows:

15 "(2)(A) Normal retirement age, for purposes of the retirement system, shall be the date
16 the employee has reached 60 years of age, provided that he or she has at least ten years

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17 of creditable service or the age of an employee on the date he or she attains 30 years of
 18 creditable service; provided, however, that the provisions of this paragraph are subject
 19 to change by future legislation in order to comply with federal regulations.

20 (B) For those members who are in service with:

21 (i) In service with the Uniform Division of the Department of Public Safety as an
 22 officer, noncommissioned officer, or trooper;

23 (ii) Officers ~~officers~~ and agents of the Georgia Bureau of Investigation;

24 (iii) Game ~~game~~ wardens of the Department of Natural Resources, or;

25 (iv) In in the Department of Revenue as an alcohol and tobacco officer or agent; or

26 (v) In service in the Motor Carrier Compliance Division or the Capitol Police
 27 Division of the Department of Public Safety as a sworn law enforcement officer, the
 28 commissioner, or the deputy commissioner.

29 normal retirement age shall be the date the employee has reached 55 years of age,
 30 provided that he or she has at least ten years of creditable service.

31 (C) For purposes of Section 402(1) of the federal Internal Revenue Code regarding
 32 distributions from governmental plans for health and long-term care insurance for
 33 public safety officers, normal retirement age shall be the earliest date when the
 34 employee has satisfied the requirements for a retirement allowance under the retirement
 35 system.

36 (D) Except as provided under Article 2 of Chapter 1 of this title, a member's right to
 37 his or her retirement allowance is nonforfeitable upon attainment of normal retirement
 38 age."

39 **SECTION 2.**

40 Said chapter is further amended by revising Code Section 47-2-111, relating to persons
 41 eligible to retire at age 55, as follows:

42 "47-2-111.

43 Any other provision of this chapter to the contrary notwithstanding, any member employed:

44 (1) By ~~by~~ the Uniform Division of the Department of Public Safety as an officer, a
45 noncommissioned officer, or a trooper;

46 (2) By ~~by~~ the Georgia Bureau of Investigation as an officer or agent;

47 (3) By ~~by~~ the Department of Natural Resources as a game warden; ~~or~~

48 (4) By ~~by~~ the Department of Revenue as an alcohol and tobacco officer or agent or as an
49 officer or agent of the Special Investigations Unit; or

50 (5) By the Motor Carrier Compliance Division or the Capitol Police Division of the
51 Department of Public Safety as a sworn law enforcement officer, the commissioner, or
52 the deputy commissioner

53 shall be eligible to retire at age 55 if he or she has the minimum number of years of
54 creditable service provided in Code Section 47-2-110, and upon retirement such member
55 shall be paid not less than the service retirement allowance which would have been payable
56 to such member upon service retirement at age 65 without a change in compensation and
57 with the same number of years' creditable service to which such member is entitled at the
58 time of retirement."

59

SECTION 3.

60 Said chapter is further amended by revising Code Section 47-2-221, relating to disability
61 allowances payable to personnel for certain disabilities arising in the line of duty, as follows:

62 "47-2-221.

63 (a)(1) Notwithstanding the disability allowance provided for in Code Section 47-2-123,
64 any member in service:

65 (A) In ~~of~~ the Uniform Division of the Department of Public Safety;:

66 (B) As a ~~any~~ game warden of the Department of Natural Resources;:

67 (C) As an ~~any~~ officer or agent of the Georgia Bureau of Investigation, ~~and;~~

68 (D) As an any alcohol and tobacco officer or agent of the Department of Revenue; or
69 (E) As a sworn law enforcement officer, the commissioner, or the deputy commissioner
70 in the Motor Carrier Compliance Division or the Capitol Police Division of the
71 Department of Public Safety on or after July 1, 2022,

72 who, while a contributing member of this retirement system and upon becoming
73 permanently disabled due to an act of external violence or injury incurred in the line of
74 duty, becomes eligible for disability retirement allowances shall, upon making written
75 application to the board of trustees either personally or through his or her employer and
76 after a medical examination and upon certification by the medical board that such
77 member is, in their opinion, permanently disabled, be entitled to a monthly allowance as
78 computed on the member's life expectancy without option. Such monthly allowance as
79 shall be payable to the member only, during his or her life or length of disability, shall
80 not exceed 80 percent of the service allowance that would have been payable to the
81 member had he or she accumulated not more than 30 years of creditable service and had
82 retired at age 65. Such allowance shall be computed on the basis of the member's
83 monthly earnable compensation for the month in which his or her permanent disability
84 occurred. Such permanent disability retirement shall apply regardless of the length of
85 service of any such member; and such member shall be deemed to have acquired 30 or
86 more years of creditable service. In addition, a member so disabled in the line of duty
87 shall receive a monthly supplemental benefit which shall be in the amount of \$5.00 per
88 month for each year of creditable service as a member ~~of the Uniform Division of the~~
89 ~~Department of Public Safety, game warden of the Department of Natural Resources,~~
90 ~~alcohol and tobacco officer or agent of the Department of Revenue, or as an officer or~~
91 ~~agent of the Georgia Bureau of Investigation~~ described in subparagraphs (A) through (E)
92 of this paragraph. Such additional monthly supplemental benefit shall in no event exceed
93 \$150.00 per month. ~~Any other provision of law to the contrary notwithstanding, any~~
94 ~~member of the Uniform Division of the Department of Public Safety who retired prior to~~

95 ~~July 1, 1970, as a result of becoming permanently disabled due to an act of external~~
96 ~~violence or injury incurred in the line of duty and who was a member of the retirement~~
97 ~~system on the date of the injury or act of violence shall be entitled to and shall receive the~~
98 ~~monthly supplemental benefit provided for in this subsection.~~

99 (2) In lieu of the ~~foregoing~~ benefits provided for in paragraph (1) of this subsection, any
100 member so described and so disabled in the line of duty shall be entitled to receive a
101 minimum monthly disability retirement benefit equal to 2 percent of his or her monthly
102 earnable compensation for the month in which his or her permanent disability occurred
103 for each year of creditable service determined as though he or she had continued in
104 service ~~in the Uniform Division of the Department of Public Safety, as a game warden~~
105 ~~of the Department of Natural Resources, as an alcohol and tobacco officer or agent of the~~
106 ~~Department of Revenue, or as an officer or agent of the Georgia Bureau of Investigation~~
107 as a member described in subparagraphs (A) through (E) of paragraph (1) of this
108 subsection until his or her mandatory retirement age.

109 (b)(1) Notwithstanding the disability allowance provided for in Code Section 47-2-123,
110 any employee of the Department of Natural Resources appointed as a deputy game
111 warden under Code Section 27-1-17, any parole officer employed by the State Board of
112 Pardons and Paroles, any probation officer employed by the Department of Corrections,
113 and any community supervision officer employed by the Department of Community
114 Supervision who, while a contributing member of this retirement system and upon
115 becoming permanently disabled due to an act of external violence or injury incurred in
116 the line of law enforcement duty, becomes eligible for disability retirement allowances
117 shall, after a medical examination and upon certification by the medical board that such
118 member is, in their opinion, permanently disabled, be entitled to a monthly allowance as
119 computed on the member's life expectancy without option. Such monthly allowance as
120 shall be payable to the member only, during his or her life or length of disability, shall
121 not exceed 80 percent of the service allowance that would have been payable to the

122 member had he or she accumulated not more than 30 years of creditable service and had
123 retired at age 65. Such allowance shall be computed on the basis of the member's
124 monthly earnable compensation for the month in which his or her permanent disability
125 occurred. Such permanent disability retirement shall apply regardless of the length of
126 service of any such member; and such member shall be deemed to have acquired 30 or
127 more years of creditable service. In addition, a member so disabled in the line of law
128 enforcement duty shall receive a monthly supplemental benefit which shall be in the
129 amount of \$5.00 per month for each year of creditable service as an employee of the
130 Department of Natural Resources who has been appointed as a deputy game warden
131 under Code Section 27-1-17, parole officer of the State Board of Pardons and Paroles,
132 probation officer of the Department of Corrections, or ~~any~~ community supervision officer
133 employed by the Department of Community Supervision. Such additional monthly
134 supplemental benefit shall in no event exceed \$150.00 per month.

135 (2) In lieu of the foregoing, any member so disabled in the line of law enforcement duty
136 shall be entitled to receive a minimum monthly disability retirement benefit equal to 2
137 percent of his or her monthly earnable compensation for the month in which his or her
138 permanent disability occurred for each year of creditable service determined as though
139 he or she had continued in service as a deputy game warden, probation officer, parole
140 officer, or a community supervision officer until his or her mandatory retirement age."

141 **SECTION 4.**

142 Said chapter is further amended by revising Code Section 47-2-223, relating to regular
143 retirement benefits for certain service members of the Department of Public Safety, as
144 follows:

145 "47-2-223.

146 (a) For purposes of this Code section, the term 'highest average compensation' means the
 147 member's highest average monthly earnable compensation during a period of 24
 148 consecutive calendar months while a member of the retirement system.

149 (b) Anything in this chapter to the contrary notwithstanding, ~~every:~~

150 (1) Every person who is in service in the Uniform Division of the Department of Public
 151 Safety as an officer, noncommissioned officer, or trooper, or as an officer or agent of the
 152 Georgia Bureau of Investigation on June 30, 1970, and every person who enters or
 153 reenters such service on or after July 1, 1970; and

154 (2) Any member who is in service in the Motor Carrier Compliance Division or the
 155 Capitol Police Division of the Department of Public Safety as a sworn law enforcement
 156 officer, the commissioner, or the deputy commissioner on or after July 1, 2022.

157 may retire at any time after attaining the age of 55 and upon retirement such retiree shall
 158 receive the regular retirement benefits under this chapter, provided that he or she shall in
 159 any case receive a minimum monthly retirement benefit equal to 2 percent of his or her
 160 highest average compensation for each year of creditable service by filing an application
 161 therefor in a manner similar to that provided in Code Section 47-2-110."

162 **SECTION 5.**

163 Said chapter is further amended by revising Code Section 47-2-226, relating to certain law
 164 enforcement officers permitted to obtain creditable service in retirement system under certain
 165 conditions, "law enforcement officer" defined, and payment of full actuarial value to
 166 applicant, as follows:

167 "47-2-226.

168 (a) As used in this Code section, the term 'law enforcement officer' means any:

169 (1) Member ~~member~~ in service of in the Uniform Division of the Department of Public
 170 Safety; ;

- 171 (2) Game ~~any game~~ warden of the Department of Natural Resources;;
- 172 (3) Officer ~~any officer~~ or agent of the Georgia Bureau of Investigation;;
- 173 (4) District ~~any district~~ attorney investigator who is compensated from state funds
- 174 pursuant to Code Section 15-18-14.1;;
- 175 (5) Alcohol ~~any alcohol~~ and tobacco officer or agent of the Department of Revenue;;
- 176 (6) Investigator ~~any investigator~~ of the Department of Driver Services; ~~and;~~
- 177 (7) Criminal ~~any criminal~~ investigators or K9 handlers of the Department of Corrections;
- 178 and
- 179 (8) Any member who is in service as a sworn law enforcement officer, the
- 180 commissioner, or the deputy commissioner in the Motor Carrier Compliance Division or
- 181 the Capitol Police Division of the Department of Public Safety.
- 182 (b) Any law enforcement officer who, prior to becoming a member of this retirement
- 183 system, was employed by a local government in this state as a full-time employee, in a
- 184 position in which he or she was vested with authority to enforce the criminal or traffic laws
- 185 and with the power of arrest and whose duties include the preservation of public order, the
- 186 protection of life and property, or the prevention, detection, or investigation of crime, shall
- 187 be eligible to obtain creditable service under this Code section for his or her years of
- 188 service in such capacity if:
- 189 (1) The member is not eligible to receive a present or future benefit from a defined
- 190 benefit or defined contribution retirement or pension plan in which said member
- 191 participated while employed by the local governing authority other than membership in
- 192 the Peace Officers' Annuity and Benefit Fund; and
- 193 (2) The member has been a member of the retirement system for at least ten years.
- 194 (c) Any member eligible as provided in subsection (b) of this Code section may obtain up
- 195 to an additional five years of creditable service, not to exceed the actual number of years
- 196 of service described in subsection (b) of this Code section. In order to obtain such
- 197 additional creditable service, the member shall:

- 198 (1) Make application to the board of trustees in such manner and provide such
199 documentation as the board deems appropriate; and
- 200 (2) Pay to the board of trustees an amount determined by the board of trustees to be
201 sufficient to cover the full actuarial cost of granting the creditable service as provided in
202 this Code section.
- 203 (d) Upon receipt of an application for additional creditable service, the board of trustees
204 shall certify to the applicant the amount of the payment required by paragraph (2) of
205 subsection (c) of this Code section."

206 **SECTION 6.**

207 This Act shall become effective on July 1, 2022, only if it is determined to have been
208 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia
209 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not
210 become effective and shall be automatically repealed in its entirety on July 1, 2022, as
211 required by subsection (a) of Code Section 47-20-50.

212 **SECTION 7.**

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