

Senate Bill 249

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

AS PASSED

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 provide that certain certified jail officers
3 shall be eligible for membership in such fund; to revise provisions authorizing the board to
4 increase the monthly maximum benefit amount payable by the fund; to increase the amount
5 of monthly dues paid by members of the fund and provide that the board may increase or
6 decrease such amount under certain conditions; to revise provisions related to retiring prior
7 to the full payment of dues owed; to revise provisions for the purchase of certain creditable
8 service; to revise amounts collected from certain fines and forfeitures in criminal and
9 quasi-criminal cases; to increase the monthly benefit allowed upon retirement; to provide for
10 related matters; to provide conditions for an effective date and automatic repeal; to repeal
11 conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

14 Chapter 17 of Title 47 of the Official Code of Georgia Annotated, relating to the Peace
15 Officers' Annuity and Benefit Fund, is amended in paragraph (5) of Code Section 47-17-1,
16 relating to definitions, by striking "and" at the end of subparagraph (J), by replacing the
17 period with "; and" at the end of subparagraph (K), and by adding the following:

18 "(L) Each jail officer, as such term is defined in the Code Section 35-8-2, who is
19 certified by the Georgia Peace Officer Standards and Training Council and who
20 maintains compliance with Chapter 8 of Title 35, the 'Georgia Peace Officer Standards
21 and Training Act.'"

22 style="text-align:center">**SECTION 2.**

23 Said chapter is further amended by revising subsection (a) of Code Section 47-17-44, relating
24 to amount of dues, deadline and minimum period for payments, dues required for credit for
25 service after March 1, 1951, and dues required for prior service credit, as follows:

- 26 ~~"(a)(1) Beginning on July 1, 2020, and ending on June 30, 2021, each~~ Each member shall
 27 pay monthly dues into the fund ~~as dues the sum of \$20.00~~ \$25.00 per month.
- 28 (2)(A) On and after July 1, 2021, each member shall pay monthly dues into the fund
 29 in an amount to be determined annually by the board that shall be at least \$25.00, but
 30 shall not exceed \$50.00.
- 31 (B) The base amount of monthly dues established pursuant to this paragraph shall
 32 apply uniformly to all members.
- 33 (C) The board shall determine the monthly dues amount based on:
- 34 (i) The recommendation of the actuary of the board;
 35 (ii) The maintenance of the actuarial soundness of the fund in accordance with the
 36 minimum funding standards provided in Code Section 47-20-10 or such higher
 37 standards as may be adopted by the board; and
 38 (iii) Such other factors as the board declares relevant.
- 39 (3) Each month's dues shall be paid not later than the tenth day of that month.
- 40 (4) Each member shall be required to pay such dues for a minimum period of ten years,
 41 or 15 years for individuals who became members on or after July 1, 2010, before being
 42 eligible to receive the retirement benefits under this chapter, provided that, if such
 43 member is eligible to retire under this chapter and so desires, such member may retire,
 44 and the board shall deduct such monthly amount from his or her retirement benefits until
 45 he or she has paid dues into the fund for a period of ten years or 15 years for individuals
 46 who became members on or after July 1, 2010."

47 SECTION 3.

48 Said chapter is further amended by revising subsections (a) and (a.1) of Code Section
 49 47-17-60, relating to payments to the fund from fines and bonds collected in criminal and
 50 quasi-criminal cases, duty of collecting authority to record and remit sums collected, and
 51 penalty, as follows:

- 52 ~~"(a) A portion of each fine collected and~~ The greater of \$10.00 or 10 percent of each bond
 53 forfeited and collected in any criminal or quasi-criminal case for violation of state statutes,
 54 county ordinances, or municipal ordinances, which case is before any court or tribunal in
 55 this state, shall be paid to the secretary-treasurer. An amount equal to the greater of \$10.00
 56 or 10 percent of each fine imposed in any criminal or quasi-criminal case for violation of
 57 state statutes, county ordinances, or municipal ordinances, which case is before any court
 58 or tribunal in this state, shall be added to the amount of the fine imposed and collected, and,
 59 once collected, shall be paid to the secretary-treasurer, according to the following schedule:
- 60 ~~(1) Three dollars for any fine or bond forfeiture of more than \$4.00, but not more~~
 61 ~~than \$25.00;~~

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

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

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

67 For purposes of determining amounts to be paid to the secretary-treasurer, the amount of
 68 the fine or bond collected shall be deemed to include costs. The amounts provided for shall
 69 be paid to the secretary-treasurer before the payment of any costs or any claim whatsoever
 70 against such fine or forfeiture. The collecting authority shall pay such amounts to the
 71 secretary-treasurer on the first day of the month following that in which they were collected
 72 or at such other time as the board may provide. With such payment there shall be filed an
 73 acceptable form which shows the number of cases in each of the above categories and the
 74 amounts due in each category. It shall be the duty of the collecting authority to keep
 75 accurate records of the amounts due the board so that the records may be audited or
 76 inspected at any time by any representative of the board under its direction. Sums remitted
 77 to the secretary-treasurer under this Code section shall be used as provided for elsewhere
 78 in this chapter.

79 (a.1) The greater of 5 percent or \$5.00 ~~Five dollars~~ of each fee collected prior to
 80 adjudication of guilt for purposes of pretrial diversion pertaining to any criminal or
 81 quasi-criminal case for violation of state statutes, county ordinances, or municipal
 82 ordinances as provided for in subsection (f) of Code Section 15-18-80, which case is before
 83 any court or tribunal in this state, shall be paid to the secretary-treasurer. ~~The political~~
 84 ~~subdivision~~ clerk of court as provided for in subsection (f) of Code Section 15-18-80 shall
 85 pay such amounts to the secretary-treasurer on the first day of the month following that in
 86 which they were collected or at such other time as the board may provide. With such
 87 payment there shall be filed an acceptable form from the clerk of court which shows the
 88 number of cases in each of the above categories and the amounts due in each category. It
 89 shall be the duty of the clerk of court to keep accurate records of the amounts due the board
 90 so that the records may be audited or inspected at any time by any representative of the
 91 board under its direction. Sums remitted to the secretary-treasurer under this Code section
 92 shall be used as provided for elsewhere in this chapter."

93

SECTION 4.

94 Said chapter is further amended by revising subsection (b) of Code Section 47-17-80, relating
 95 to retirement benefit options, payment to surviving spouse, requirements, effect of
 96 reemployment, effect of changes in retirement benefits, and payment on death of member,
 97 as follows:

98 "(b)(1) Option One shall consist of a single life annuity payable in monthly payments for
 99 the life of the member only. The monthly payment under this option shall be an amount
 100 equal to ~~\$17.50~~ \$25.15 per month for each full year of creditable service; provided,
 101 however, on July 1, 2021, such amount shall increase to \$30.00 per month for each full
 102 year of creditable service and in the event the member shall have additional service credit
 103 not totaling a full year, the further sum of one-twelfth of the amount paid per month for
 104 each additional year of service credit shall be paid for each month of additional service
 105 credit, provided that the member either has at least ten years of membership service, or
 106 15 years of membership service for ~~members~~ individuals who ~~become~~ became members
 107 on or after July 1, 2010, and is at least 55 years of age or has at least 30 years of
 108 creditable service, regardless of age. Such monthly benefit payment shall be paid on each
 109 full year and additional full months of creditable service up to a maximum of 30 years of
 110 total service.

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

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

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

126 SECTION 5.

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

132

SECTION 6.

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