

House Bill 438 (AS PASSED HOUSE AND SENATE)

By: Representatives Crowe of the 118th, Lumsden of the 12th, Silcox of the 53rd, Hitchens of the 161st, Blackmon of the 146th, 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 all sworn law enforcement officers
3 serving in and the commissioner and deputy commissioner of the Department of Public
4 Safety to be eligible for regular retirement benefits at the age of 55 years, certain disability
5 benefits, and certain provisions for purchasing creditable service; to provide conditions for
6 an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

13 "(2)(A) Normal retirement age, for purposes of the retirement system, shall be the date
14 the employee has reached 60 years of age, provided that he or she has at least ten years
15 of creditable service or the age of an employee on the date he or she attains 30 years of

16 creditable service; provided, however, that the provisions of this paragraph are subject
 17 to change by future legislation in order to comply with federal regulations.

18 (B) For those members who are in:

19 (i) In service with the ~~Uniform Division of the~~ Department of Public Safety as an a
 20 sworn law enforcement officer, noncommissioned officer, or trooper, officers;

21 (ii) Officers and agents of the Georgia Bureau of Investigation, conservation rangers;

22 (iii) Game wardens of the Department of Natural Resources, or in;

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

24 (v) The commissioner or the deputy commissioner of the Department of Public
 25 Safety,

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

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

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

36 **SECTION 2.**

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

39 "47-2-111.

40 Any other provision of this chapter to the contrary notwithstanding, any member employed
 41 by the:

42 ~~(1) Uniform Division of the~~ Department of Public Safety as an a sworn law enforcement
 43 officer, a noncommissioned officer, or a trooper; ~~by the~~
 44 ~~(2) Georgia Bureau of Investigation as an officer or agent; by the~~
 45 ~~(3) Department of Natural Resources as a game warden; or by the~~
 46 ~~(4) Department of Revenue as an alcohol and tobacco officer or agent or as an officer or~~
 47 ~~agent of the Special Investigations Unit; or~~
 48 (5) Department of Public Safety as the commissioner or deputy commissioner; shall be
 49 eligible to retire at age 55 if he or she has the minimum number of years of creditable
 50 service provided in Code Section 47-2-110, and upon retirement such member shall be
 51 paid not less than the service retirement allowance which would have been payable to
 52 such member upon service retirement at age 65 without a change in compensation and
 53 with the same number of years' creditable service to which such member is entitled at the
 54 time of retirement."

55 SECTION 3.

56 Said chapter is further amended by revising Code Section 47-2-221, relating to disability
 57 allowances payable to personnel for certain disabilities arising in the line of duty, as follows:
 58 "47-2-221.

59 (a)(1) Notwithstanding the disability allowance provided for in Code Section 47-2-123,
 60 any member in service ~~of~~ as:

61 (A) A sworn law enforcement officer, a noncommissioned officer, or a trooper of the
 62 ~~Uniform Division of the Department of Public Safety; any;~~

63 (B) A game warden of the Department of Natural Resources; any;

64 (C) An officer or agent of the Georgia Bureau of Investigation; and any;

65 (D) An alcohol and tobacco officer or agent of the Department of Revenue; or

66 (E) The commissioner or the deputy commissioner of the Department of Public Safety.

67 who, while a contributing member of this retirement system and upon becoming
68 permanently disabled due to an act of external violence or injury incurred in the line of
69 duty, becomes eligible for disability retirement allowances shall, upon making written
70 application to the board of trustees either personally or through his or her employer and
71 after a medical examination and upon certification by the medical board that such
72 member is, in their opinion, permanently disabled, be entitled to a monthly allowance as
73 computed on the member's life expectancy without option. Such monthly allowance as
74 shall be payable to the member only, during his or her life or length of disability, shall
75 not exceed 80 percent of the service allowance that would have been payable to the
76 member had he or she accumulated not more than 30 years of creditable service and had
77 retired at age 65. Such allowance shall be computed on the basis of the member's
78 monthly earnable compensation for the month in which his or her permanent disability
79 occurred. Such permanent disability retirement shall apply regardless of the length of
80 service of any such member; and such member shall be deemed to have acquired 30 or
81 more years of creditable service. In addition, a member so disabled in the line of duty
82 shall receive a monthly supplemental benefit which shall be in the amount of \$5.00 per
83 month for each year of creditable service as a member ~~of the Uniform Division of the~~
84 ~~Department of Public Safety, game warden of the Department of Natural Resources,~~
85 ~~alcohol and tobacco officer or agent of the Department of Revenue, or as an officer or~~
86 ~~agent of the Georgia Bureau of Investigation~~ described in subparagraphs (A) through (E)
87 of this paragraph. Such additional monthly supplemental benefit shall in no event exceed
88 \$150.00 per month. ~~Any other provision of law to the contrary notwithstanding, any~~
89 ~~member of the Uniform Division of the Department of Public Safety who retired prior to~~
90 ~~July 1, 1970, as a result of becoming permanently disabled due to an act of external~~
91 ~~violence or injury incurred in the line of duty and who was a member of the retirement~~
92 ~~system on the date of the injury or act of violence shall be entitled to and shall receive the~~
93 ~~monthly supplemental benefit provided for in this subsection.~~

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

104 (b)(1) Notwithstanding the disability allowance provided for in Code Section 47-2-123,
105 any employee of the Department of Natural Resources appointed as a deputy game
106 warden under Code Section 27-1-17, any parole officer employed by the State Board of
107 Pardons and Paroles, any probation officer employed by the Department of Corrections,
108 and any community supervision officer employed by the Department of Community
109 Supervision who, while a contributing member of this retirement system and upon
110 becoming permanently disabled due to an act of external violence or injury incurred in
111 the line of law enforcement duty, becomes eligible for disability retirement allowances
112 shall, after a medical examination and upon certification by the medical board that such
113 member is, in their opinion, permanently disabled, be entitled to a monthly allowance as
114 computed on the member's life expectancy without option. Such monthly allowance as
115 shall be payable to the member only, during his or her life or length of disability, shall
116 not exceed 80 percent of the service allowance that would have been payable to the
117 member had he or she accumulated not more than 30 years of creditable service and had
118 retired at age 65. Such allowance shall be computed on the basis of the member's
119 monthly earnable compensation for the month in which his or her permanent disability
120 occurred. Such permanent disability retirement shall apply regardless of the length of

121 service of any such member; and such member shall be deemed to have acquired 30 or
 122 more years of creditable service. In addition, a member so disabled in the line of law
 123 enforcement duty shall receive a monthly supplemental benefit which shall be in the
 124 amount of \$5.00 per month for each year of creditable service as an employee of the
 125 Department of Natural Resources who has been appointed as a deputy game warden
 126 under Code Section 27-1-17, parole officer of the State Board of Pardons and Paroles,
 127 probation officer of the Department of Corrections, or ~~any~~ community supervision officer
 128 employed by the Department of Community Supervision. Such additional monthly
 129 supplemental benefit shall in no event exceed \$150.00 per month.

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

136 SECTION 4.

137 Said chapter is further amended by revising Code Section 47-2-223, relating to retirement
 138 benefits for those in service in Uniform Division of the Department of Public Safety, as
 139 follows:

140 "47-2-223.

141 (a) As used in ~~For purposes of~~ this Code section, the term 'highest average compensation'
 142 means the member's highest average monthly earnable compensation during a period of 24
 143 consecutive calendar months while a member of the retirement system.

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

145 (1) Every person who is in service in the Uniform Division of the Department of Public
 146 Safety as an officer, noncommissioned officer, or trooper, or as an officer or agent of the

147 Georgia Bureau of Investigation on June 30, 1970, and every person who enters or
 148 reenters such service on or after July 1, 1970; and
 149 (2) The commissioner, or the deputy commissioner of the Department of Public Safety,
 150 and any member, not otherwise provided for in paragraph (1) of this subsection, who is
 151 employed by the Department of Public Safety as a sworn law enforcement officer on or
 152 after July 1, 2026,
 153 may retire at any time after attaining the age of 55 and upon retirement such retiree shall
 154 receive the regular retirement benefits under this chapter, provided that he or she shall in
 155 any case receive a minimum monthly retirement benefit equal to 2 percent of his or her
 156 highest average compensation for each year of creditable service by filing an application
 157 therefor in a manner similar to that provided in Code Section 47-2-110."

158 **SECTION 5.**

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

163 "47-2-226.

164 (a) As used in this Code section, the term 'law enforcement officer' means ~~any member;~~
 165 (1) A sworn law enforcement officer, a noncommissioned officer, or a trooper in service
 166 of in the Uniform Division of the Department of Public Safety, any game;
 167 (2) A game warden of the Department of Natural Resources, any officer;
 168 (3) An officer or agent of the Georgia Bureau of Investigation, any district;
 169 (4) A district attorney investigator who is compensated from state funds pursuant to
 170 Code Section 15-18-14.1, any alcohol;
 171 (5) An alcohol and tobacco officer or agent of the Department of Revenue, any
 172 investigator;

173 ~~(6) An investigator of the Department of Driver Services; and any criminal;~~
174 ~~(7) Criminal~~ investigators or K9 handlers of the Department of Corrections; and
175 ~~(8) The commissioner or the deputy commissioner of the Department of Public Safety.~~
176 (b) Any law enforcement officer who, prior to becoming a member of this retirement
177 system, was employed by a local government in this state as a full-time employee, in a
178 position in which he or she was vested with authority to enforce the criminal or traffic laws
179 and with the power of arrest and whose duties include the preservation of public order, the
180 protection of life and property, or the prevention, detection, or investigation of crime, shall
181 be eligible to obtain creditable service under this Code section for his or her years of
182 service in such capacity if:
183 (1) The member is not eligible to receive a present or future benefit from a defined
184 benefit or defined contribution retirement or pension plan in which said member
185 participated while employed by the local governing authority other than membership in
186 the Peace Officers' Annuity and Benefit Fund; and
187 (2) The member has been a member of the retirement system for at least ten years.
188 (c) Any member eligible as provided in subsection (b) of this Code section may obtain up
189 to an additional five years of creditable service, not to exceed the actual number of years
190 of service described in subsection (b) of this Code section. In order to obtain such
191 additional creditable service, the member shall:
192 (1) Make application to the board of trustees in such manner and provide such
193 documentation as the board deems appropriate; and
194 (2) Pay to the board of trustees an amount determined by the board of trustees to be
195 sufficient to cover the full actuarial cost of granting the creditable service as provided in
196 this Code section.
197 (d) Upon receipt of an application for additional creditable service, the board of trustees
198 shall certify to the applicant the amount of the payment required by paragraph (2) of
199 subsection (c) of this Code section."

200

SECTION 6.

201 This Act shall become effective on July 1, 2026, only if it is determined to have been
202 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia
203 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not
204 become effective and shall be automatically repealed in its entirety on July 1, 2026, as
205 required by subsection (a) of Code Section 47-20-50.

206

SECTION 7.

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