

House Bill 657

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 2.

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

"47-2-111.

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

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

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

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

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

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

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

SECTION 3.

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

"47-2-221.

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

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

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

(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~~

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

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

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

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

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

SECTION 4.

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

"47-2-223.

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

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

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

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

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

SECTION 5.

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

"47-2-226.

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

(1) Member ~~member~~ in service of in the Uniform Division of the Department of Public 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.