

Senate Bill 281

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

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Chapter 16 of Title 47 of the Official Code of Georgia Annotated, relating to the
2 Sheriffs' Retirement Fund of Georgia, so as to provide for an increase in dues; to provide for
3 an increase in the sum to be paid for purchasing prior service credit; to provide for payment
4 to the fund for fees collected in criminal and quasi-criminal cases prior to adjudication of
5 guilt; to increase payments to the fund from fees collected in civil actions; to increase the
6 benefit payable upon the death of certain members of the fund; to provide for related matters;
7 to provide conditions for an effective date and automatic repeal; to repeal conflicting laws;
8 and for other purposes.

9 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

10 **SECTION 1.**

11 Chapter 16 of Title 47 of the Official Code of Georgia Annotated, relating to the Sheriffs'
12 Retirement Fund of Georgia, is amended by revising Code Section 47-16-40, relating to
13 application for membership in the fund, contents of application, and claim for credit for prior
14 service, as follows:

15 "47-16-40.

16 In order to become a member of the Sheriffs' Retirement Fund of Georgia, an applicant
17 must meet the following requirements:

18 (1) He or she must be a duly qualified and commissioned sheriff of a county of the State
19 of Georgia, serving as sheriff of the superior court of that county at the time he or she
20 files his or her application;

21 (2) He or she must file his or her application for membership with the secretary-treasurer
22 within one year from the date he or she begins service as a sheriff or within the time
23 limits set forth in Code Section 47-16-41;

24 (3) He or she must set out in the application for membership his or her correct date of
25 birth;

26 (4) He or she must list in his or her application for membership all periods of prior
27 service, including credit under Code Section 47-16-80 for services in the armed forces
28 of the United States or as a peace officer, for which service he or she intends to ask credit
29 as basis for his or her future retirement, or shall forever be barred from claiming credit
30 for services not so listed;

31 (5) The member must tender with the application, within 12 months from the date of that
32 application, or at such other time as the board may provide, a sum equal to the total of
33 ~~\$37.50~~ \$65.00 per month for credit claimed by the member under paragraph (4) of this
34 Code section for past service from and including January 1, 1961, to the date of
35 application; or if such amount is not paid by the due date, the member shall be
36 conclusively deemed to have waived his or her claim or right for credit for such period
37 of time; or

38 (6) He or she must also furnish to the board such other information and proof of pertinent
39 facts set out in the application for membership or relative to it as may be required by the
40 board; and failure to do so shall constitute grounds for denial of the application for
41 membership by the board."

42

SECTION 2.

43 Said chapter is further amended by revising Code Section 47-16-43, relating to requirements
44 for continued active membership in the fund, as follows:

45 "47-16-43.

46 In order to retain active membership in the fund, each member must:

47 (1) Continue serving as a sheriff;

48 (2) Pay to the secretary-treasurer membership dues of ~~\$45.00~~ \$65.00 per month. Such
49 payment shall be due on or before the tenth day of the following month until the member
50 has made such payments for a total of 30 years; and

51 (3) Comply with all other mandatory provisions of this chapter and all rules and
52 regulations promulgated by the board."

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SECTION 3.

54 Said chapter is further amended by revising Code Section 47-16-60, relating to payments to
55 fund from fines and bonds collected in criminal and quasi-criminal cases, duty of collecting
56 authority to record and remit, and penalty for late payment, as follows:

57 "47-16-60.

58 (a) The sum of \$2.00 shall be allocated to the board from each fine collected and each
59 bond forfeited and collected in any criminal or quasi-criminal case for violation of state
60 law, including traffic laws, which case is before any court of this state in which a sheriff
61 of a superior court or a duly authorized deputy of such sheriff acts as sheriff to such court
62 by virtue of his or her office, provided that such fine or bond, which shall be construed to
63 include costs, is at least \$5.00. The clerk or other collecting authority for the court in
64 which the fine or bond is collected shall pay such amounts to the secretary-treasurer each
65 quarter or at such other times as the board may provide. These sums shall be paid to the
66 secretary-treasurer before the payment of any costs or any claim whatsoever against such
67 fine or forfeiture, provided that this shall not be construed to repeal any existing priorities

68 established under the laws of this state. It shall be the duty of the clerk or other collecting
69 authority for each court to keep accurate records of the amounts due to the board and to
70 remit the amounts due promptly. Such records may be audited by the board at any time.
71 The sums remitted to the board under this Code section shall be used only for the purposes
72 provided for in this chapter.

73 (b) Two dollars of each fee collected prior to adjudication of guilt for purposes of pretrial
74 diversion pertaining to any criminal or quasi-criminal case for violation of state statutes,
75 county ordinances, or municipal ordinances as provided for in subsection (f) of Code
76 Section 15-18-80, which case is before any court or tribunal in this state, shall be paid to
77 the secretary-treasurer. The clerk of court as provided for in subsection (f) of Code Section
78 15-18-80 shall pay such amounts to the secretary-treasurer on the first day of the month
79 following that in which they were collected or at such other time as the board may provide.
80 With such payments, there shall be filed an acceptable form from the clerk of court which
81 shows the number of cases in each of the above categories and the amounts due in each
82 category. It shall be the duty of the clerk of court to keep accurate records of the amounts
83 due the board so that records may be audited or inspected at any time by any representative
84 of the board under its direction.

85 ~~(b)~~(c) If the person or authority whose duty it is to collect and remit moneys to the
86 secretary-treasurer under subsection (a) of this Code section shall fail to remit such moneys
87 within 60 days of the date on which such remittal is due, such moneys shall be delinquent;
88 and there shall be imposed, in addition to the principal amount due, a specific penalty in
89 the amount of 5 percent of the principal amount per month for each month during which
90 the moneys continue to be delinquent, provided that such penalty shall not exceed a total
91 of 25 percent of the principal due. In addition to such penalty, interest shall be charged on
92 the delinquent moneys at the rate of 6 percent per annum from the date such moneys
93 become delinquent until they are paid. All moneys due on or before May 1, 1968, and not
94 paid shall be delinquent after the expiration of 60 days from that date. By affirmative vote

95 of all the members, the board, upon the payment of the delinquent moneys together with
96 interest and for good cause shown, may waive the specific penalty otherwise charged under
97 this subsection."

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SECTION 4.

99 Said chapter is further amended by revising subsections (a) and (b) of Code Section
100 47-16-61, relating to payments to fund from fees collected in civil actions, duty to record and
101 remit sums collected, and penalties on delinquent amounts, as follows:

102 "(a) In addition to all other legal costs, the sum of ~~\$1.00~~ \$5.00 shall be charged and
103 collected in each civil action, case, or proceeding, including, without limiting the generality
104 of the foregoing, all adoptions, charters, certiorari, applications by personal representative
105 for leave to sell or invest, trade name registrations, applications for change of name, and
106 all other proceedings of a civil nature filed in the superior courts. The clerks of the
107 superior courts shall collect such fees, and the fees so collected shall be remitted to the
108 board quarterly or at such other time as the board may provide. It shall be the duty of the
109 clerks of the superior courts to keep accurate records of the amounts due the board under
110 this subsection, and such records may be audited by the board at any time. The sums
111 remitted to the board under this subsection shall be used only for the purposes provided for
112 in this chapter.

113 (b) In addition to all other legal costs, the sum of ~~\$1.00~~ \$5.00 shall be charged and
114 collected in each civil action, case, or proceeding, including, without limiting the generality
115 of the foregoing, all adoptions, charters, certiorari, applications by personal representative
116 for leave to sell or invest, trade name registrations, applications for change of name, and
117 all other proceedings of a civil nature filed in the state courts and magistrate courts of this
118 state in which the sheriff of the superior court also fulfills the function as sheriff of such
119 inferior court. The clerks of such state courts and magistrate courts shall collect such fees,
120 and the fees so collected shall be remitted to the board quarterly or at such other time as the

121 board may provide. It shall be the duty of the clerks of such state courts and magistrate
122 courts to keep accurate records of the amounts due the board under this subsection, and
123 such records may be audited by the board at any time. The sums remitted to the board
124 under this subsection shall be used only for the purposes provided for in this chapter."

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SECTION 5.

126 Said chapter is further amended by revising Code Section 47-16-102, relating to death
127 benefits, beneficiaries, and procedure for designation of beneficiary to receive such benefits,
128 as follows:

129 "47-16-102.

130 In addition to the retirement benefits provided in this chapter, death benefits shall be paid
131 to members in accordance with the following:

132 (1) If any member of this fund dies before retirement, whether such member is active or
133 inactive, an amount equal to the total amount which has been paid by such member into
134 the fund as dues shall be paid, without interest, to such member's surviving spouse, if any,
135 to such member's named beneficiary, if any, or to such member's estate, in that order. If
136 any member dies after retirement without having received an amount equal in benefits
137 to the total amount which he or she has paid into the fund as dues, the difference, without
138 interest, shall be paid to his or her surviving spouse, if any, to his or her named
139 beneficiary, if any, or to such member's estate, in that order;

140 (2) In addition to the death benefits provided in paragraph (1) of this Code section, upon
141 the death of any inactive member who would otherwise qualify to be carried upon the
142 active membership rolls but for the fact that the member no longer holds the office of
143 sheriff, any member who is receiving retirement benefits, or any member who is
144 otherwise qualified to receive retirement benefits from this fund except that the member
145 has not reached the age of 55 years or has not filed an application or has not been
146 approved for retirement benefits, the sum of ~~\$15,000.00~~ \$35,000.00 shall be paid as

147 additional death benefits to the surviving spouse of such member, if any, to the member's
148 named beneficiary, if any, or to the member's estate, in that order. Upon the death of any
149 active member, the sum of ~~\$15,000.00~~ \$35,000.00 shall be paid as additional death
150 benefits to the surviving spouse of such member, if any, to the member's named
151 beneficiary, if any, or to the member's estate, in that order;

152 (3) At the time any member submits his or her application for membership in this fund,
153 at the time any member submits his or her application for retirement benefits, and from
154 time to time any member of this fund, whether carried on the active or inactive rolls of
155 this fund, and any person who is receiving retirement benefits from this fund shall be
156 afforded the opportunity to name a designated beneficiary to receive the death benefits
157 provided for in this Code section; provided, however, that such named beneficiary shall
158 be entitled to receive such death benefits only in the event such member or person does
159 not leave surviving a spouse at the time of his or her death. The procedure by which a
160 member or person receiving retirement benefits names a beneficiary to receive the death
161 benefits provided for in this Code section shall be determined and established by the
162 board, which shall have authority to establish forms and procedures for payment of the
163 death benefits; and

164 (4) Upon the death of an active member before or after the retirement of such member,
165 the surviving spouse of such member shall receive death benefits in the form of an
166 annuity for the life of such spouse, such annuity to be determined and paid under
167 paragraph (2) of subsection (a), subsection (b), and subsection (c) of Code Section
168 47-16-101 to the same extent as if such member had died while receiving retirement
169 benefits under Option Two; and in the case of the death of an active member who is not
170 already receiving retirement benefits, such annuity shall be determined and based upon
171 the period of creditable service which such member has at the time of his or her death.
172 Such benefit shall be in addition to benefits under paragraph (2) of this Code section, and
173 in lieu of benefits under paragraph (1) of this Code section."

174

SECTION 6.

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

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SECTION 7.

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