

The Senate Committee on Retirement offered the following substitute to SB 322:

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 prohibit under certain  
7 circumstances payments from the retirement system for any sheriff convicted of a felony  
8 related to his or her employment with or for the sheriff's office; to provide for the forfeit of  
9 accumulated contributions; to provide for inapplicability and determinations by the  
10 Department of Law; to provide for related matters; to provide conditions for an effective date  
11 and automatic repeal; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Chapter 16 of Title 47 of the Official Code of Georgia Annotated, relating to the Sheriffs'  
15 Retirement Fund of Georgia, is amended by revising Code Section 47-16-40, relating to

16 application for membership in the fund, contents of application, and claim for credit for prior  
17 service, as follows:

18 "47-16-40.

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

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

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

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

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

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

41 (6) He or she must also furnish to the board such other information and proof of pertinent  
42 facts set out in the application for membership or relative to it as may be required by the

43 board; and failure to do so shall constitute grounds for denial of the application for  
44 membership by the board."

45 **SECTION 2.**

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

48 "47-16-43.

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

50 (1) Continue serving as a sheriff;

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

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

56 **SECTION 3.**

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

60 "47-16-60.

61 (a) The sum of \$2.00 shall be allocated to the board from each fine collected and each  
62 bond forfeited and collected in any criminal or quasi-criminal case for violation of state  
63 law, including traffic laws, which case is before any court of this state in which a sheriff  
64 of a superior court or a duly authorized deputy of such sheriff acts as sheriff to such court  
65 by virtue of his or her office, provided that such fine or bond, which shall be construed to  
66 include costs, is at least \$5.00. The clerk or other collecting authority for the court in  
67 which the fine or bond is collected shall pay such amounts to the secretary-treasurer each

68 quarter or at such other times as the board may provide. These sums shall be paid to the  
69 secretary-treasurer before the payment of any costs or any claim whatsoever against such  
70 fine or forfeiture, provided that this shall not be construed to repeal any existing priorities  
71 established under the laws of this state. It shall be the duty of the clerk or other collecting  
72 authority for each court to keep accurate records of the amounts due to the board and to  
73 remit the amounts due promptly. Such records may be audited by the board at any time.  
74 The sums remitted to the board under this Code section shall be used only for the purposes  
75 provided for in this chapter.

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

88 ~~(b)~~(c) If the person or authority whose duty it is to collect and remit moneys to the  
89 secretary-treasurer under subsection (a) of this Code section shall fail to remit such moneys  
90 within 60 days of the date on which such remittal is due, such moneys shall be delinquent;  
91 and there shall be imposed, in addition to the principal amount due, a specific penalty in  
92 the amount of 5 percent of the principal amount per month for each month during which  
93 the moneys continue to be delinquent, provided that such penalty shall not exceed a total  
94 of 25 percent of the principal due. In addition to such penalty, interest shall be charged on

95 the delinquent moneys at the rate of 6 percent per annum from the date such moneys  
96 become delinquent until they are paid. All moneys due on or before May 1, 1968, and not  
97 paid shall be delinquent after the expiration of 60 days from that date. By affirmative vote  
98 of all the members, the board, upon the payment of the delinquent moneys together with  
99 interest and for good cause shown, may waive the specific penalty otherwise charged under  
100 this subsection."

101

**SECTION 4.**

102 Said chapter is further amended by revising subsections (a) and (b) of Code Section  
103 47-16-61, relating to payments to fund from fees collected in civil actions, duty to record and  
104 remit sums collected, and penalties on delinquent amounts, as follows:

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

116 (b) In addition to all other legal costs, the sum of ~~\$1.00~~ \$5.00 shall be charged and  
117 collected in each civil action, case, or proceeding, including, without limiting the generality  
118 of the foregoing, all adoptions, charters, petitions for review, applications by personal  
119 representative for leave to sell or invest, trade name registrations, applications for change  
120 of name, and all other proceedings of a civil nature filed in the state courts and magistrate

121 courts of this state in which the sheriff of the superior court also fulfills the function as  
122 sheriff of such inferior court. The clerks of such state courts and magistrate courts shall  
123 collect such fees, and the fees so collected shall be remitted to the board quarterly or at  
124 such other time as the board may provide. It shall be the duty of the clerks of such state  
125 courts and magistrate courts to keep accurate records of the amounts due the board under  
126 this subsection, and such records may be audited by the board at any time. The sums  
127 remitted to the board under this subsection shall be used only for the purposes provided for  
128 in this chapter."

129

### SECTION 5.

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

133 "47-16-102.

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

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

144 (2) In addition to the death benefits provided in paragraph (1) of this Code section, upon  
145 the death of any inactive member who would otherwise qualify to be carried upon the  
146 active membership rolls but for the fact that the member no longer holds the office of

147 sheriff, any member who is receiving retirement benefits, or any member who is  
148 otherwise qualified to receive retirement benefits from this fund except that the member  
149 has not reached the age of 55 years or has not filed an application or has not been  
150 approved for retirement benefits, the sum of ~~\$15,000.00~~ \$35,000.00 shall be paid as  
151 additional death benefits to the surviving spouse of such member, if any, to the member's  
152 named beneficiary, if any, or to the member's estate, in that order. Upon the death of any  
153 active member, the sum of ~~\$15,000.00~~ \$35,000.00 shall be paid as additional death  
154 benefits to the surviving spouse of such member, if any, to the member's named  
155 beneficiary, if any, or to the member's estate, in that order;

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

168 (4) Upon the death of an active member before or after the retirement of such member,  
169 the surviving spouse of such member shall receive death benefits in the form of an  
170 annuity for the life of such spouse, such annuity to be determined and paid under  
171 paragraph (2) of subsection (a), subsection (b), and subsection (c) of Code Section  
172 47-16-101 to the same extent as if such member had died while receiving retirement  
173 benefits under Option Two; and in the case of the death of an active member who is not

174 already receiving retirement benefits, such annuity shall be determined and based upon  
175 the period of creditable service which such member has at the time of his or her death.  
176 Such benefit shall be in addition to benefits under paragraph (2) of this Code section, and  
177 in lieu of benefits under paragraph (1) of this Code section."

178 **SECTION 6.**

179 Said chapter is further amended by adding a new Code section to read as follows:

180 "47-16-104.

181 (a) For individuals who first or again become members of this retirement system on or  
182 after July 1, 2024, if any member of this retirement system is convicted in any state or  
183 federal court of a felony that is related, in any way, to his or her employment with or for  
184 a sheriff's office in this state, he or she shall be subject to the provisions of subsections (b)  
185 and (c) of this Code section.

186 (b)(1) Upon any such conviction described in subsection (a) of this Code section, all  
187 benefits payable from this retirement system on account of such member shall  
188 immediately cease.

189 (2) If such a conviction of a member of this retirement system is overturned on appeal  
190 or otherwise vacated, such benefit payments shall resume and any back payments shall  
191 be payable with interest at a market rate to be determined by the board.

192 (3) If such conviction stands, after all possible appeals related to the member's conviction  
193 have been exhausted, all contributions to the fund made by or on behalf of such member,  
194 including any interest thereon, shall be forfeited to the fund. Any such individual shall  
195 no longer be a member of the fund and shall be prohibited from any future membership  
196 in the fund.

197 (c) The provisions of this Code section shall not supersede the provisions of Article 2 of  
198 Chapter 1 of this title. Each member shall be subject to the provisions of this Code section  
199 in lieu of said article only in the event the Department of Law determines that the



200 provisions of Article 2 of Chapter 1 of this title are inapplicable or that the provisions of  
201 this Code section apply in a manner that is more punitive than those provided for in said  
202 article."

203

**SECTION 7.**

204 This Act shall become effective on July 1, 2024, only if it is determined to have been  
205 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia  
206 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not  
207 become effective and shall be automatically repealed in its entirety on July 1, 2024, as  
208 required by subsection (a) of Code Section 47-20-50.

209

**SECTION 8.**

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