

By: Lujan

H.B. No. 1611

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to eligibility for custodial officer service in the  
3 Employees Retirement System of Texas by certain juvenile  
4 correctional officers and caseworkers employed by the Texas  
5 Juvenile Justice Department.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Section 811.001, Government Code, is amended by  
8 amending Subdivision (8) and adding Subdivision (8-b) to read as  
9 follows:

10 (8) "Custodial officer":  
11 (A) means a member of the retirement system who  
12 is employed:

13 (i) by the Board of Pardons and Paroles or  
14 the Texas Department of Criminal Justice as a parole officer or  
15 caseworker;

16 (ii) by the Texas Juvenile Justice  
17 Department as a juvenile correctional officer or caseworker; or

18 (iii) [~~who is employed~~] by the correctional  
19 institutions division of the Texas Department of Criminal Justice  
20 and certified by the department as having a normal job assignment  
21 that requires frequent or infrequent regularly planned contact  
22 with, and [~~in~~] close proximity to, inmates or defendants of the  
23 correctional institutions division without the protection of bars,  
24 doors, security screens, or similar devices and includes

1 assignments normally involving supervision or the potential for  
2 supervision of inmates in inmate housing areas, educational or  
3 recreational facilities, industrial shops, kitchens, laundries,  
4 medical areas, agricultural shops or fields, or in other areas on or  
5 away from property of the department; and

6 (B) [~~. The term~~] includes a member who transfers  
7 from the Texas Department of Criminal Justice to the managed health  
8 care unit of The University of Texas Medical Branch or the Texas  
9 Tech University Health Sciences Center pursuant to Section 9.01,  
10 Chapter 238, Acts of the 73rd Legislature, 1993, elects at the time  
11 of transfer to retain membership in the retirement system, and is  
12 certified by the managed health care unit or the health sciences  
13 center as having a normal job assignment described by Paragraph  
14 (A)(iii) [~~this subdivision~~].

15 (8-b) "Juvenile correctional officer" has the meaning  
16 assigned by Section 242.009, Human Resources Code.

17 SECTION 2. Section 813.506, Government Code, is amended by  
18 adding Subsection (b-1) and amending Subsection (c) to read as  
19 follows:

20 (b-1) To be creditable as custodial officer service under  
21 the Texas Juvenile Justice Department, service must be performed as  
22 a juvenile correctional officer or caseworker.

23 (c) The Texas Department of Criminal Justice, the managed  
24 health care unit of The University of Texas Medical Branch or the  
25 Texas Tech University Health Sciences Center, the Texas Juvenile  
26 Justice Department, or the Board of Pardons and Paroles, as  
27 applicable, shall determine a person's eligibility to receive

1 credit as a custodial officer. A determination under this  
2 subsection [~~of the department, unit, or board~~] may not be appealed  
3 by an employee but is subject to change by the retirement system.

4 SECTION 3. Section 815.505, Government Code, is amended to  
5 read as follows:

6 Sec. 815.505. CERTIFICATION OF NAMES OF LAW ENFORCEMENT AND  
7 CUSTODIAL OFFICERS. Not later than the 12th day of the month  
8 following the month in which a person begins or ceases employment as  
9 a law enforcement officer or custodial officer, the Public Safety  
10 Commission, the Texas Alcoholic Beverage Commission, the Parks and  
11 Wildlife Commission, the office of inspector general at the Texas  
12 Juvenile Justice Department, the Texas Juvenile Justice  
13 Department, the Board of Pardons and Paroles, or the Texas Board of  
14 Criminal Justice, as applicable, shall certify to the retirement  
15 system, in the manner prescribed by the system, the name of the  
16 employee and such other information as the system determines is  
17 necessary for the crediting of service and financing of benefits  
18 under this subtitle.

19 SECTION 4. (a) The changes in law made by this Act apply:

20 (1) to a member of the Employees Retirement System of  
21 Texas who is employed by the Texas Juvenile Justice Department as a  
22 juvenile correctional officer or caseworker on or after the  
23 effective date of this Act regardless of whether the member was  
24 hired by the department before, on, or after the effective date of  
25 this Act; and

26 (2) except as provided by Subsection (b) of this  
27 section, only to service credit that is established on or after the

1 effective date of this Act.

2 (b) Service credit established by a member who is employed  
3 by the Texas Juvenile Justice Department as a juvenile correctional  
4 officer or caseworker and who is not subject to Chapter 820,  
5 Government Code, that was earned by the member in the position of a  
6 juvenile correctional officer or caseworker before the effective  
7 date of this Act, is considered service credit established as a  
8 custodial officer for purposes of determining the benefits payable  
9 from the law enforcement and custodial officer supplemental  
10 retirement fund.

11 (c) Notwithstanding Subsection (b) of this section, a  
12 member subject to that subsection may not receive benefits payable  
13 from the law enforcement and custodial officer supplemental  
14 retirement fund based on the service credit described by that  
15 subsection if the member retires before September 1, 2027.

16 (d) As soon as practicable after the effective date of this  
17 Act, the board of trustees of the Employees Retirement System of  
18 Texas, in consultation with the Texas Juvenile Justice Department,  
19 shall adopt rules necessary to implement the changes in law made by  
20 this Act.

21 (e) The Texas Juvenile Justice Department shall:

22 (1) as soon as practicable after the effective date of  
23 this Act, certify to the Employees Retirement System of Texas, in  
24 the form and manner prescribed by the board of trustees of the  
25 retirement system:

26 (A) the name of each member who is employed by the  
27 department as a juvenile correctional officer or caseworker on the

1 effective date of this Act;

2 (B) if the member is subject to Subsection (b) of  
3 this section, the amount of service credit established by the  
4 member as a juvenile correctional officer or caseworker before the  
5 effective date of this Act; and

6 (C) any other information the retirement system  
7 determines is necessary to credit custodial officer service in  
8 accordance with the changes in law made by this Act; and

9 (2) beginning with the first pay period that occurs  
10 after the effective date of this Act and with respect to each member  
11 employed by the department as a juvenile correctional officer or  
12 caseworker, begin making deductions and collecting contributions  
13 for the law enforcement and custodial officer supplemental  
14 retirement fund as prescribed by Section [815.402\(h\)](#) or [820.101\(b\)](#),  
15 Government Code, as applicable.

16 SECTION 5. This Act takes effect September 1, 2025.