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S.B. No. 1737

A BILL TO BE ENTITLED

AN ACT

relating to service retirement benefits payable by the Employees Retirement System of Texas to certain law enforcement officers and custodial officers.

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

SECTION 1. Sections 811.001(8) and (9), Government Code, are amended to read as follows:

(8) "Custodial officer":

(A) means a member of the retirement system who is employed:

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

(ii) by the Texas Juvenile Justice Department in a position in which the member's service is creditable as a custodial officer under Section 813.506(b-1); or

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

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

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

14 (9) "Law enforcement officer" means a member of the
15 retirement system who:

16 (A) has been commissioned as a peace [~~law~~
17 ~~enforcement~~] officer by:

18 (i) the Department of Public Safety; i [~~7~~]

19 (ii) the Texas Alcoholic Beverage
20 Commission; i [~~7~~]

21 (iii) the Parks and Wildlife Department; i

22 (iv) [~~7-07~~] the office of inspector general
23 at the Texas Juvenile Justice Department; i

24 (v) the comptroller; or

25 (vi) the attorney general; and

26 (B) is licensed [~~recognized~~] as a commissioned
27 peace [~~law enforcement~~] officer by the Texas Commission on Law

Enforcement.

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

(b-1) The Texas Juvenile Justice Department shall adopt standards for determining eligibility for service credit as a custodial officer employed by the department based on the need to encourage early retirement of persons whose duties are hazardous. To be creditable as custodial officer service under the Texas Juvenile Justice Department, service must be performed:

(1) as a juvenile correctional officer, as that term is defined by Section 242.009, Human Resources Code, or a caseworker; or

(2) in a position, other than a position described by Subdivision (1), the primary duties of which include the custodial supervision of or other close, regularly planned contact with youth in the custody of the department.

(c) The Texas Department of Criminal Justice, the managed health care unit of The University of Texas Medical Branch or the Texas Tech University Health Sciences Center, the Texas Juvenile Justice Department, or the Board of Pardons and Paroles, as applicable, shall determine a person's eligibility to receive credit as a custodial officer. A determination under this subsection ~~[of the department, unit, or board]~~ may not be appealed by an employee but is subject to change by the retirement system.

SECTION 3. Section 814.104(b), Government Code, is amended to read as follows:

(b) A member is eligible to retire and receive a service retirement annuity if the member:

(1) [who] is at least 55 years old; and

(2) [who] has at least 10 years of service credit as a:

(A) law enforcement officer; [commissioned peace officer engaged in criminal law enforcement activities of the Department of Public Safety, the Texas Alcoholic Beverage Commission, the Parks and Wildlife Department, or the office of inspector general at the Texas Juvenile Justice Department,] or

(B) [as a] custodial officer~~[, is eligible to retire and receive a service retirement annuity]~~.

SECTION 4. Section [815.505](#), Government Code, is amended to read as follows:

Sec. 815.505. CERTIFICATION OF NAMES OF LAW ENFORCEMENT AND CUSTODIAL OFFICERS. Not later than the 12th day of the month following the month in which a person begins or ceases employment as a law enforcement officer or custodial officer, the governmental entity that employs or ceased employing the law enforcement officer or custodial officer ~~[Public Safety Commission, the Texas Alcoholic Beverage Commission, the Parks and Wildlife Commission, the office of inspector general at the Texas Juvenile Justice Department, the Board of Pardons and Paroles, or the Texas Board of Criminal Justice]~~, as applicable, shall certify to the retirement system, in the manner prescribed by the system, the name of the employee and such other information as the system determines is necessary for the crediting of service and financing of benefits under this subtitle.

1 SECTION 5. (a) Subject to Subsection (b) or (c) of this
2 section, as applicable, the changes in law made by this Act apply to
3 a member of the Employees Retirement System of Texas who is employed
4 by the Texas Juvenile Justice Department, the comptroller, or the
5 attorney general as a law enforcement officer or custodial officer,
6 as applicable, on or after the effective date of this Act,
7 regardless of whether the member was hired before, on, or after the
8 effective date of this Act.

9 (b) This subsection applies only to a member described by
10 Subsection (a) of this section and not subject to Subsection (c) of
11 this section who, on December 1, 2024, was employed in a law
12 enforcement officer or custodial officer position with the Texas
13 Juvenile Justice Department, the comptroller, or the attorney
14 general, as applicable. Service credit earned by the member before
15 the effective date of this Act in a position for which service is
16 creditable as a law enforcement officer or custodial officer under
17 Subtitle B, Title 8, Government Code, as amended by this Act, is
18 considered service credit established as a law enforcement officer
19 or custodial officer, as applicable, for purposes of determining
20 the benefits payable from the law enforcement and custodial officer
21 supplemental retirement fund.

22 (c) This subsection applies only to a member described by
23 Subsection (a) of this section who is subject to Chapter 820,
24 Government Code. The member may establish service credit as a law
25 enforcement officer or custodial officer with the Texas Juvenile
26 Justice Department, the comptroller, or the attorney general, as
27 applicable, only for service performed on or after the effective

1 date of this Act.

2 (d) As soon as practicable after the effective date of this
3 Act, the board of trustees of the Employees Retirement System of
4 Texas, in consultation with the Texas Juvenile Justice Department,
5 the comptroller, and the attorney general, shall adopt rules
6 necessary to implement the changes in law made by this Act.

7 (e) The Texas Juvenile Justice Department, the comptroller,
8 and the attorney general shall:

9 (1) as soon as practicable after the effective date of
10 this Act, certify to the Employees Retirement System of Texas, in
11 the form and manner prescribed by the board of trustees of the
12 retirement system:

13 (A) the name of each member who is employed by the
14 department, comptroller, or attorney general as a law enforcement
15 officer or custodial officer on the effective date of this Act;

16 (B) if the member is subject to Subsection (b) of
17 this section, the amount of service credit established by the
18 member as a law enforcement officer or custodial officer before the
19 effective date of this Act; and

20 (C) any other information the retirement system
21 determines is necessary to credit law enforcement officer or
22 custodial officer service in accordance with the changes in law
23 made by this Act; and

24 (2) beginning with the first pay period that occurs
25 after the effective date of this Act and with respect to each member
26 employed by the department, comptroller, or attorney general as a
27 law enforcement officer or custodial officer, begin making

1 deductions and collecting member contributions for the law
2 enforcement and custodial officer supplemental retirement fund as
3 prescribed by Section 815.402(h) or 820.101(b), Government Code, as
4 applicable.

5 SECTION 6. (a) The Employees Retirement System of Texas is
6 required to implement this Act only if the board of trustees of the
7 Employees Retirement System of Texas finds that the 89th
8 Legislature appropriated money to the retirement system in an
9 amount sufficient to implement Section 5(b) of this Act, without
10 increasing the unfunded actuarial liabilities of the retirement
11 system. The amount appropriated by the 89th Legislature to
12 implement Section 5(b) of this Act must be in addition to any
13 amounts the state is required to contribute to the retirement
14 system under Subchapter E, Chapter 815, Government Code. If the
15 board of trustees of the Employees Retirement System of Texas finds
16 that the 89th Legislature did not appropriate money in an amount
17 sufficient to implement Section 5(b) of this Act without increasing
18 the unfunded actuarial liabilities of the retirement system, the
19 retirement system may not implement this Act.

20 (b) Not later than October 1, 2025, the board of trustees of
21 the Employees Retirement System of Texas shall make and publish in
22 the Texas Register:

23 (1) its finding under Subsection (a) of this section;
24 and

25 (2) a statement regarding whether, as a result of its
26 finding, the retirement system is or is not implementing this Act.

27 SECTION 7. This Act takes effect September 1, 2025.