

By: Alonzo

H.B. No. 1019

A BILL TO BE ENTITLED

AN ACT

1
2 relating to retirement eligibility and benefits for certain
3 employees of the parole division of the Texas Department of
4 Criminal Justice.

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

6 SECTION 1. Section 811.001, Government Code, is amended by
7 adding Subdivision (12-b) to read as follows:

8 (12-b) "Parole support employee" means a member of the
9 retirement system who is employed by the parole division of the
10 Texas Department of Criminal Justice, or a successor to that
11 division, and is not a custodial officer but is certified by the
12 department as having a normal job assignment that requires frequent
13 or infrequent regularly planned contact with, and, without the
14 protection of bars, doors, security screens, or similar devices,
15 close proximity to, inmates or defendants confined in the
16 department or persons released on parole or mandatory supervision
17 subject to the jurisdiction of the Board of Pardons and Paroles.
18 The term includes a receptionist or a clerical or administrative
19 support employee who has direct contact with inmates or defendants
20 during the person's normal job assignment.

21 SECTION 2. Subchapter F, Chapter 813, Government Code, is
22 amended by adding Section 813.5061 to read as follows:

23 Sec. 813.5061. PAROLE SUPPORT EMPLOYEE SERVICE. (a) The
24 Texas Department of Criminal Justice by rule shall adopt standards

1 for determining eligibility for service credit as a parole support
2 employee, based on the need to encourage early retirement of
3 persons whose duties are hazardous and require them to have routine
4 contact on a regular basis with inmates of or defendants confined in
5 the Texas Department of Criminal Justice or with persons released
6 on parole or mandatory supervision subject to the jurisdiction of
7 the Board of Pardons and Paroles.

8 (b) To be creditable as parole support employee service,
9 service performed must be performed as an employee of the parole
10 division of the Texas Department of Criminal Justice and must be
11 performed by an employee who is eligible for hazardous duty pay.

12 (c) The Texas Department of Criminal Justice shall
13 determine a person's eligibility to receive credit as a parole
14 support employee. A determination of the department may not be
15 appealed by an employee but is subject to change by the retirement
16 system.

17 (d) As part of the audit of the Texas Department of Criminal
18 Justice by the state auditor in accordance with Chapter 321, the
19 state auditor may verify the accuracy of reports submitted to the
20 retirement system under this section.

21 SECTION 3. Section 813.513(a), Government Code, is amended
22 to read as follows:

23 (a) An eligible member may establish not more than 36 months
24 of equivalent membership service credit, including law enforcement
25 officer, [~~or~~] custodial officer, or parole support employee
26 service, in either the elected class or the employee class.

27 SECTION 4. Section 814.104(b), Government Code, is amended

1 to read as follows:

2 (b) A member who is at least 55 years old and who has at
3 least 10 years of service credit as a commissioned peace officer
4 engaged in criminal law enforcement activities of the Department of
5 Public Safety, the Texas Alcoholic Beverage Commission, or the
6 Parks and Wildlife Department, or as a custodial officer or parole
7 support employee, is eligible to retire and receive a service
8 retirement annuity.

9 SECTION 5. The heading to Section 814.107, Government Code,
10 is amended to read as follows:

11 Sec. 814.107. SERVICE RETIREMENT BENEFITS FOR LAW
12 ENFORCEMENT AND CUSTODIAL [~~CERTAIN PEACE~~] OFFICERS AND PAROLE
13 SUPPORT EMPLOYEES.

14 SECTION 6. Sections 814.107(a), (b), (c), (e), (f), and
15 (g), Government Code, are amended to read as follows:

16 (a) A member who has at least 20 years of service credit as a
17 law enforcement or custodial officer or as a parole support
18 employee is eligible to retire regardless of age and receive a
19 standard service retirement annuity in an amount and to be funded as
20 provided by this section.

21 (b) The standard service retirement annuity payable for at
22 least 20 years of service credit as a law enforcement or custodial
23 officer or as a parole support employee is an amount computed on the
24 basis of the member's average monthly compensation for the 36
25 highest months of compensation in the employee class, times the sum
26 of the percentage factor used in the computation of a standard
27 service retirement annuity under Section 814.105 plus .5 percent.

1 (c) The standard combined service retirement annuity that
2 is payable under this section is based on retirement on or after the
3 attainment of the normal retirement age, which for purposes of this
4 section is the earlier of either the age of 50 or the age at which
5 the sum of the member's age and amount of service credit in the
6 employee class equals the number 80. A law enforcement or custodial
7 officer or a parole support employee who retires before attaining
8 the normal retirement age is entitled to an annuity that is
9 actuarially reduced from the annuity available at the normal
10 retirement age to the law enforcement or custodial officer or
11 parole support employee service credit annuity amount available at
12 the sum of the member's age and amount of employee class service
13 credit. The annuity is payable from the law enforcement and
14 custodial officer supplemental retirement fund.

15 (e) The amount payable from the law enforcement and
16 custodial officer supplemental retirement fund is reducible by the
17 amount paid from the trust fund established by Section 815.310 for
18 service as a law enforcement or custodial officer or as a parole
19 support employee. The total combined amount of an annuity under
20 this section may not be less than the authorized benefit under
21 Subsection (b) subtracted by any amount necessary because of
22 selection of an optional annuity, because of retirement before the
23 normal retirement age, or as provided by Subsection (f).

24 (f) The standard combined service retirement annuity
25 payable for at least 20 years of service credit as a law enforcement
26 or custodial officer or as a parole support employee may not exceed
27 100 percent of the average compensation computed under Subsection

1 (b).

2 (g) For purposes of this section, service as a law
3 enforcement or custodial officer or as a parole support employee is
4 creditable as provided by rule of the board of trustees or on a
5 month-to-month basis, whichever is greater.

6 SECTION 7. The heading to Section 814.207, Government Code,
7 is amended to read as follows:

8 Sec. 814.207. DISABILITY RETIREMENT BENEFITS FOR LAW
9 ENFORCEMENT AND CUSTODIAL [~~CERTAIN PEACE~~] OFFICERS AND PAROLE
10 SUPPORT EMPLOYEES.

11 SECTION 8. Sections 814.207(a) through (e), Government
12 Code, are amended to read as follows:

13 (a) An annuity payable for an occupational disability
14 resulting from a risk to which law enforcement or custodial
15 officers or parole support employees are exposed because of the
16 nature of law enforcement, ~~or~~ custodial, or parole-related duties
17 is payable under the same terms and conditions that apply to other
18 occupational disability retirement annuities under this subtitle,
19 except that the source and amount of the annuity are as provided by
20 this section.

21 (b) Except as provided by Subsection (c), an occupational
22 disability retirement annuity under this section is an amount, but
23 not more than 100 percent, computed on the basis of the officer's or
24 employee's average monthly compensation, times a percentage
25 derived by application of Section 814.107(b).

26 (c) A disability retirement annuity under this section is
27 not reducible because of age and may not be less than 50 percent of

1 the person's [~~officer's~~] average monthly compensation regardless of
2 the amount of service credited to the person [~~officer~~] in the
3 employee class.

4 (d) The portions of the annuity under this section payable
5 from the law enforcement and custodial officer supplemental
6 retirement fund, including amounts payable on behalf of a parole
7 support employee, are the amount remaining after deduction of any
8 amount payable under Section 814.206, except the portion of an
9 amount that exceeds the minimum payments provided by Section
10 814.206(b) and that is made for service other than as a law
11 enforcement or custodial officer or as a parole support employee
12 and any amount by which an annuity is increased under Subsection
13 (e).

14 (e) If a retiring member or retiree under this section
15 presents evidence satisfactory to the retirement system that the
16 person's occupational disability makes the person incapable of
17 substantial gainful activity solely because of the disability and
18 is considered a total disability under federal social security law,
19 the retirement system shall increase the person's occupational
20 disability retirement annuity to 100 percent of the person's
21 [~~officer's~~] average monthly compensation.

22 SECTION 9. Section 814.305, Government Code, is amended to
23 read as follows:

24 Sec. 814.305. ANNUITY FOR SURVIVOR OF LAW ENFORCEMENT OR
25 CUSTODIAL OFFICER OR PAROLE SUPPORT EMPLOYEE. If a member who has
26 at least 20 years of service credit as a law enforcement or
27 custodial officer or as a parole support employee dies, the amount

1 of the death benefit annuity payable for the member's service as a
2 law enforcement or custodial officer or as a parole support
3 employee is an amount computed and funded as provided by Section
4 814.107, including any applicable reduction factors.

5 SECTION 10. Section 815.102(a), Government Code, is amended
6 to read as follows:

7 (a) Subject to the limitations of this subtitle, the board
8 of trustees may adopt rules for:

9 (1) eligibility of membership;

10 (2) the administration of the funds of the retirement
11 system;

12 (3) the program of supplemental benefits for law
13 enforcement and custodial officers and parole support employees;

14 (4) hearings on contested cases or disputed claims;
15 and

16 (5) the transaction of any other business of the
17 board.

18 SECTION 11. Section 815.317(b), Government Code, is amended
19 to read as follows:

20 (b) The retirement system may use money from the fund only:

21 (1) to pay supplemental retirement and death benefits
22 to law enforcement and custodial officers and parole support
23 employees as provided by this subtitle; and

24 (2) to pay for the administration of the fund.

25 SECTION 12. Section 815.403(a), Government Code, is amended
26 to read as follows:

27 (a) During each fiscal year, the state shall contribute to

1 the retirement system:

2 (1) an amount equal to 7.4 percent of the total
3 compensation of all members of the retirement system for that year;

4 (2) money to pay lump-sum death benefits for retirees
5 under Section 814.501;

6 (3) an amount for the law enforcement and custodial
7 officer supplemental retirement fund equal to 2.13 percent of the
8 aggregate state compensation of all custodial and law enforcement
9 officers and parole support employees for that year;

10 (4) money necessary for the administration of the law
11 enforcement and custodial officer supplemental retirement fund;
12 and

13 (5) money for service credit not previously
14 established, as provided by Section 813.202(c) or 813.302(d).

15 SECTION 13. Section 815.505, Government Code, is amended to
16 read as follows:

17 Sec. 815.505. CERTIFICATION OF NAMES OF LAW ENFORCEMENT AND
18 CUSTODIAL OFFICERS AND PAROLE SUPPORT EMPLOYEES. Not later than
19 the 12th day of the month following the month in which a person
20 begins or ceases employment as a law enforcement officer, ~~or~~
21 custodial officer, or parole support employee, the Public Safety
22 Commission, the Texas Alcoholic Beverage Commission, the Parks and
23 Wildlife Commission, the Board of Pardons and Paroles, or the Texas
24 Board of Criminal Justice, as applicable, shall certify to the
25 retirement system, in the manner prescribed by the system, the name
26 of the employee and such other information as the system determines
27 is necessary for the crediting of service and financing of benefits

1 under this subtitle.

2 SECTION 14. Before October 1, 2007, the Texas Department of
3 Criminal Justice shall certify to the Employees Retirement System
4 of Texas, in the manner prescribed by the retirement system, the
5 name of each person employed by the parole division of the Texas
6 Department of Criminal Justice on September 1, 2007, as a parole
7 support employee as defined by Section 811.001, Government Code, as
8 amended by this Act, and any other information the system
9 determines is necessary to credit service and finance benefits
10 under Subtitle B, Title 8, Government Code.

11 SECTION 15. This Act takes effect September 1, 2007.