

By: Lucio

S.B. No. 1801

A BILL TO BE ENTITLED

1 AN ACT
2 relating to benefits from the Employees Retirement System of Texas
3 for certain peace officers and custodial officers.

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

5 SECTION 1. Section 811.001(9), Government Code, is amended
6 to read as follows:

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

9 (A) has been commissioned as a law enforcement
10 officer by the Department of Public Safety, the Texas Alcoholic
11 Beverage Commission, the Parks and Wildlife Department, [~~or~~] the
12 office of inspector general at the Texas Youth Commission, the
13 attorney general, or any other state office or agency; and

14 (B) is recognized as a commissioned law
15 enforcement officer by the Commission on Law Enforcement Officer
16 Standards and Education.

17 SECTION 2. Section 814.104(b), Government Code, is amended
18 to read as follows:

19 (b) A member who is at least 55 years old and who has at
20 least 10 years of service credit as a commissioned peace officer
21 engaged in criminal law enforcement activities of the Department of
22 Public Safety, the Texas Alcoholic Beverage Commission, the Parks
23 and Wildlife Department, [~~or~~] the office of inspector general at
24 the Texas Youth Commission, the attorney general, or another state

1 office or agency, or as a custodial officer, is eligible to retire
2 and receive a service retirement annuity.

3 SECTION 3. Section 814.107, Government Code, is amended by
4 amending Subsection (a) and adding Subsection (h) to read as
5 follows:

6 (a) A member who has at least 20 years of service credit as a
7 law enforcement or custodial officer, including any law enforcement
8 officer as defined by Section 811.001(9), is eligible to retire
9 regardless of age and receive a standard service retirement annuity
10 in an amount and to be funded as provided by this section.

11 (h) The retirement annuity for a law enforcement officer who
12 becomes eligible for retirement benefits under this section on or
13 after September 1, 2011, shall be in an amount computed by rule of
14 the board of trustees that provides for service credit earned
15 before making contributions to the law enforcement and custodial
16 officer supplemental retirement fund under Section 815.402(h) and
17 service credit earned after the start of contributions under that
18 section.

19 SECTION 4. Section 814.1075, Government Code, is amended by
20 amending Subsection (b) and adding Subsection (j) to read as
21 follows:

22 (b) A member who has at least 20 years of service credit as a
23 law enforcement or custodial officer, including any law enforcement
24 officer as defined by Section 811.001(9), is eligible to retire
25 regardless of age and receive a standard service retirement annuity
26 as provided by this section.

27 (j) The retirement annuity for a law enforcement officer who

1 becomes eligible for retirement benefits under this section on or
2 after September 1, 2011, shall be in an amount computed by rule of
3 the board of trustees that provides for service credit earned
4 before making contributions to the law enforcement and custodial
5 officer supplemental retirement fund under Section 815.402(h) and
6 service credit earned after the start of contributions under that
7 section.

8 SECTION 5. Subchapter B, Chapter 814, Government Code, is
9 amended by adding Section 814.1076 to read as follows:

10 Sec. 814.1076. MANDATORY PARTICIPATION IN LAW ENFORCEMENT
11 AND CUSTODIAL OFFICER SUPPLEMENTAL RETIREMENT FUND. A member who
12 is a law enforcement or custodial officer:

13 (1) shall contribute to the law enforcement and
14 custodial officer supplemental retirement fund as provided by
15 Section 815.402(h); and

16 (2) may retire under Section 814.107 or 814.1075 as
17 applicable and as provided by those sections.

18 SECTION 6. Section 815.505, Government Code, is amended to
19 read as follows:

20 Sec. 815.505. CERTIFICATION OF NAMES OF LAW ENFORCEMENT AND
21 CUSTODIAL OFFICERS. Not later than the 12th day of the month
22 following the month in which a person begins or ceases employment as
23 a law enforcement officer or custodial officer, the Public Safety
24 Commission, the Texas Alcoholic Beverage Commission, the Parks and
25 Wildlife Commission, the office of inspector general at the Texas
26 Youth Commission, the Board of Pardons and Paroles, the attorney
27 general, [~~or~~] the Texas Board of Criminal Justice, or another state

1 office or agency, as applicable, shall certify to the retirement
2 system, in the manner prescribed by the system, the name of the
3 employee and such other information as the system determines is
4 necessary for the crediting of service and financing of benefits
5 under this subtitle.

6 SECTION 7. (a) The attorney general and any other state
7 office or agency that employs a law enforcement officer or
8 custodial officer not participating in the law enforcement and
9 custodial officer supplemental retirement fund before the
10 effective date of this Act shall begin making deductions and
11 collecting the contributions for that fund as provided by Section
12 815.402(h), Government Code, beginning with the first pay period
13 that occurs after December 31, 2011.

14 (b) The board of trustees of the Employees Retirement System
15 of Texas shall adopt rules as soon as possible after the effective
16 date of this Act to implement Sections 814.107 and 814.1075,
17 Government Code, as amended by this Act.

18 SECTION 8. This Act takes effect September 1, 2011.