88R4748 BDP-D

By:  Cook H.B. No. 1651

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility for custodial officer service in the Employees Retirement System of Texas of juvenile justice officers employed by the Texas Juvenile Justice Department.

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

SECTION 1.  Section 811.001(8), Government Code, is amended to read as follows:

(8)  "Custodial officer" means, subject to Section 811.0011, a member of the retirement system who is employed by the Board of Pardons and Paroles or the Texas Department of Criminal Justice as a parole officer or caseworker or 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 supervision of inmates in inmate housing areas, educational or recreational facilities, industrial shops, kitchens, laundries, medical areas, agricultural shops or fields, or in other areas on or away from property of the department.  The term includes a member who transfers from the Texas Department of Criminal Justice to the managed health care unit of The University of Texas Medical Branch or the Texas Tech University Health Sciences Center pursuant to Section 9.01, Chapter 238, Acts of the 73rd Legislature, 1993, elects at the time of transfer to retain membership in the retirement system, and is certified by the managed health care unit or the health sciences center as having a normal job assignment described by this subdivision.

SECTION 2.  Subchapter A, Chapter 811, Government Code, is amended by adding Section 811.0011 to read as follows:

Sec. 811.0011.  OPTIONAL ALTERNATIVE DEFINITION OF CUSTODIAL OFFICER. (a) For purposes of this section, "juvenile justice officer" means a member of the retirement system who is employed by the Texas Juvenile Justice Department and certified by that department as holding a position as a juvenile correctional officer, caseworker, or other position the primary duties of which include the custodial supervision of or other close, regularly planned contact with youth in the custody of that department.

(b)  The board of trustees by rule may adopt an alternative definition of "custodial officer" that includes juvenile justice officers for purposes of allowing juvenile justice officers to participate in the law enforcement and custodial officer supplemental retirement fund if the board determines, after conducting an actuarial valuation, that:

(1)  the amortization period for the unfunded actuarial liabilities of the retirement system and the law enforcement and custodial officer supplemental retirement fund does not exceed 30 years by one or more years; and

(2)  approving juvenile justice officers for participation in the law enforcement and custodial officer supplemental retirement fund would not reduce or negatively impact current benefits paid to members of the retirement system and law enforcement and custodial officer supplemental retirement fund.

(c)  Notwithstanding Section 813.506, if the board of trustees adopts a rule under Subsection (b), the board, after consulting with the Texas Juvenile Justice Board, by rule shall adopt standards for determining eligibility of a juvenile justice officer for service credit as a custodial officer, based on the need to encourage early retirement of persons whose duties are hazardous and require them to have routine contact with youth in the custody of the Texas Juvenile Justice Department on a regular basis. The board shall determine a juvenile justice officer's eligibility to receive credit as a custodial officer. A determination by the board may not be appealed by an employee.

(d)  The board of trustees shall provide notice to the Texas Juvenile Justice Department of the adoption of a rule under Subsection (b), and the department, after receiving notice, shall:

(1)  certify to the retirement system, in the manner prescribed by the retirement system, the name of each person employed by the department in the position of juvenile justice officer and any other information the system determines is necessary to credit service and finance benefits under this subtitle; and

(2)  beginning with the first pay period that occurs after the board provides notice under this subsection, begin making deductions and collecting the contributions for the law enforcement and custodial officer supplemental retirement fund as provided by Section 815.402(h).

(e)  If the board of trustees adopts a rule under Subsection (b), the board shall ensure that service credit established by a juvenile justice officer before the date of the rule's adoption is considered service credit established as a custodial officer for purposes of determining the officer's eligibility for benefits under the law enforcement and custodial officer supplemental retirement fund.

SECTION 3.  This Act takes effect September 1, 2023.