By:  Geren H.B. No. 2406

A BILL TO BE ENTITLED

AN ACT

relating to service retirement benefits payable by the Employees Retirement System of Texas to commissioned peace officers employed by the attorney general.

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

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

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

(A)  has been commissioned as a law enforcement officer by 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 the attorney general; and

(B)  is recognized as a commissioned law enforcement officer by the Texas Commission on Law Enforcement.

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

Sec. 811.0011.  LAW ENFORCEMENT OFFICERS COMMISSIONED BY ATTORNEY GENERAL. (a) For purposes of this subtitle, a reference to a law enforcement officer commissioned by the attorney general is a reference to a peace officer employed and commissioned by the attorney general under Section 402.009.

(b)  Notwithstanding Section 811.006, service of a member established as a peace officer employed and commissioned by the attorney general under Section 402.009 is service creditable as a law enforcement officer.

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

(b)  A member who is at least 55 years old and who has at least 10 years of service credit as a 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 the attorney general, or 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 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, the attorney general, 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.

SECTION 5.  (a) Subject to Subsection (b), as soon as possible after the effective date of this Act, the board of trustees of the Employees Retirement System of Texas shall adopt rules necessary to implement the changes in law made by this Act.

(b)  The board of trustees of the Employees Retirement System of Texas and the attorney general shall implement the changes in law made by this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the board and the attorney general may, but are not required to, implement this Act using other appropriations available for the purpose.

(c)  If the board of trustees of the Employees Retirement System of Texas and the attorney general implement this Act, the attorney general shall begin making deductions and collecting the contributions for the law enforcement and custodial officer supplemental retirement fund as provided by Section 815.402(h), Government Code, beginning with the first pay period that occurs after December 31, 2023.

SECTION 6.  This Act takes effect September 1, 2023.