By:  Gutierrez S.B. No. 1270

A BILL TO BE ENTITLED

AN ACT

relating to eligibility for membership and funding of benefits for certain law enforcement, custodial, and other peace officers.

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

SECTION 1.  Subchapter C, Chapter 803, Government Code, is amended by adding Section 803.2015 to read as follows:

Sec. 803.2015.  COMBINED SERVICE CREDIT FOR CERTAIN PEACE OFFICERS. (a) This section applies to a person who, on December 31, 2023:

(1)  is a member of the Teacher Retirement System of Texas, who:

(A)  is identified under Section 825.515 as being employed in a position as a peace officer; and

(B)  elects to begin membership as a peace officer participating in the Employees Retirement System of Texas law enforcement and custodial officer supplemental retirement fund beginning January 1, 2024.

(b)  For the purposes of this chapter, service credit earned by a person described by Subsection (a) is considered service credit earned in two retirement systems and is subject to Section 803.201. The membership on which combined service credit is based is service credit accrued:

(1)  before beginning participation in the Employees Retirement System of Texas law enforcement and custodial officer supplemental retirement fund; and

(2)  after beginning participation in the Employees Retirement System of Texas law enforcement and custodial officer supplemental retirement fund.

SECTION 2.  Section 811.001, Government Code, is amended by amending Subdivision (9) and adding Subdivisions (8-b) and (12-b) 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 is a person identified under Section 825.515 as being employed in a position as a peace officer,; and

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

SECTION 3.  Section 812.003, Government Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b)  An office or employment that is included in the coverage of the Teacher Retirement System of Texas, other than in a position identified as a peace officer position under Section 825.515, the Judicial Retirement System of Texas Plan One, or the Judicial Retirement System of Texas Plan Two or, except as provided by Section 9.01, Chapter 238 (S.B. 378), Acts of the 73rd Legislature, Regular Session, 1993, is with a university system or institution of higher education, as defined by Section 61.003, Education Code, is not a position with a department, commission, board, agency, or institution of the state for purposes of this subtitle.

(b-1)  Membership in the employee class includes any person who is certified as being employed in a position as a peace officer under Section 815.505.

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. (a) 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, 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.

(b)  Not later than the 12th day of the month following the month in which a person begins or ceases employment with an employer required to provide information about a person identified as being employed in a position as a peace officer under Section 825.515 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.  Section 822.002(a), Government Code, is amended to read as follows:

(a)  An employee of the public school system is not permitted to be a member of the retirement system if the employee:

(1)  is eligible and elects to participate in the optional retirement program under Chapter 830;

(2)  is eligible and elects to participate in the Employees Retirement System of Texas law enforcement and custodial officer supplemental retirement fund under Section 803.2015;

(3)  is required to participate in the Employees Retirement System of Texas law enforcement and custodial officer supplemental retirement fund as a member of the employee class under Section 812.003(b-1); or

(4) [~~(2)~~]  has retired under the retirement system and has not been reinstated to membership pursuant to Section 824.005 or 824.307.

SECTION 6.  (a) Not later than December 31, 2023, a person who is a member of the Teacher Retirement System of Texas and is identified under Section 825.515, Government Code, as being employed as a peace officer shall decide whether to:

(1)  remain a member in the Teacher Retirement System of Texas; or

(2)  become a member of the employee class as a peace officer participating in the Employees Retirement System of Texas law enforcement and custodial officer supplemental retirement fund effective January 1, 2024.

(b)  The retirement benefits of a person who opts to begin participation in the Employees Retirement System of Texas law enforcement and custodial officer supplemental retirement fund under Subsection (a) of this section shall be divided as if the benefits were based on service credit earned in two separate retirement systems as follows:

(1)  service credit earned before January 1, 2024; and

(2)  service credit earned on or after January 1, 2024.

(d)  A person who earns service credit described by Subsections (b)(1) and (2) of this section is eligible to have that credit treated as combined service credit under Chapter 803, Government Code, as amended by this Act.

SECTION 7.  This Act takes effect September 1, 2023.