88R9815 BDP-D

By:  Gutierrez S.B. No. 1271

A BILL TO BE ENTITLED

AN ACT

relating to the retirement eligibility of certain peace officers who are members of the Teacher Retirement System of Texas.

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

SECTION 1.  Section 824.202, Government Code, is amended by amending Subsections (a-2), (b-2), and (d-2) and adding Subsections (a-3), (b-3), and (d-3) to read as follows:

(a-2)  Except as provided by Subsection (a-3), this [~~This~~] subsection applies only to a person who does not have at least five years of service credit in the retirement system on or before August 31, 2014, or who becomes a member of the retirement system on or after September 1, 2014. A member subject to this subsection is eligible to retire and receive a standard service retirement annuity if:

(1)  the member is at least 65 years old and has at least five years of service credit in the retirement system; or

(2)  the member is at least 62 years old and has at least five years of service credit in the retirement system and the sum of the member's age and amount of service credit in the retirement system equals the number 80.

(a-3)  Subsection (a-2) does not apply to a member who is a peace officer licensed under Subchapter G, Chapter 1701, Occupations Code, and who is employed and commissioned as a peace officer under Section 37.081 or 51.203, Education Code, and assigned to the duty of a peace officer at the time the member retires. A person described by this subsection is subject to Subsection (a) or (a-1), as appropriate. This subsection does not apply to a member who is employed as security personnel under Section 37.081, Education Code, and assigned to the duty of security personnel at the time the member retires.

(b-2)  Except as provided by Subsection (b-3), this [~~This~~] subsection applies only to a person who does not have at least five years of service credit in the retirement system on or before August 31, 2014, or who becomes a member of the retirement system on or after September 1, 2014. If a member subject to this subsection is at least 55 years old and has at least five years of service credit in the retirement system, but does not meet the requirements under Subsection (d-2), the member is eligible to retire and receive a service retirement annuity reduced from the standard service retirement annuity available under Subsection (a-2)(1), to a percentage derived from the following table:

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Age at date of retirement | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 |
| Percentage of standard annuity receivable | 47% | 51% | 55% | 59% | 63% | 67% | 73% | 80% | 87% | 93% | 100% |

(b-3)  Subsection (b-2) does not apply to a member who is a peace officer licensed under Subchapter G, Chapter 1701, Occupations Code, and who is employed and commissioned as a peace officer under Section 37.081 or 51.203, Education Code, and assigned to the duty of a peace officer at the time the member retires. A person described by this subsection is subject to Subsection (b) or (b-1), as appropriate. This subsection does not apply to a member who is employed as security personnel under Section 37.081, Education Code, and assigned to the duty of security personnel at the time the member retires.

(d-2)  Except as provided by Subsection (d-3), this [~~This~~] subsection applies only to a person who does not have at least five years of service credit in the retirement system on or before August 31, 2014, or who becomes a member of the retirement system on or after September 1, 2014. If the sum of the member's age and amount of service credit in the retirement system equals the number 80, with at least five years of service credit, or if the member has at least 30 years of service credit in the retirement system, the member is eligible to retire regardless of age and receive a service retirement annuity consisting of the standard service retirement annuity available under Subsection (a-2)(2) decreased by five percent for each year of age under 62 years.

(d-3)  Subsection (d-2) does not apply to a member who is a peace officer licensed under Subchapter G, Chapter 1701, Occupations Code, and who is employed and commissioned as a peace officer under Section 37.081 or 51.203, Education Code, and assigned to the duty of a peace officer at the time the member retires. A person described by this subsection is subject to Subsection (d) or (d-1), as appropriate. This subsection does not apply to a member who is employed as security personnel under Section 37.081, Education Code, and assigned to the duty of security personnel at the time the member retires.

SECTION 2.  Section 824.202, Government Code, as amended by this Act, applies only to a peace officer who is a member of the Teacher Retirement System of Texas and who retires on or after the effective date of this Act. A peace officer who is a member of the Teacher Retirement System of Texas and who retires before the effective date of this Act is subject to the law in effect on the date the peace officer retired, and that law is continued in effect for that purpose.

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