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H.B. No. 1651

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the eligibility for custodial officer service in the
3 Employees Retirement System of Texas of juvenile justice officers
4 employed by the Texas Juvenile Justice Department.

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

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

8 (8) "Custodial officer" means, subject to Section
9 811.0011, a member of the retirement system who is employed by the
10 Board of Pardons and Paroles or the Texas Department of Criminal
11 Justice as a parole officer or caseworker or who is employed by the
12 correctional institutions division of the Texas Department of
13 Criminal Justice and certified by the department as having a normal
14 job assignment that requires frequent or infrequent regularly
15 planned contact with, and in close proximity to, inmates or
16 defendants of the correctional institutions division without the
17 protection of bars, doors, security screens, or similar devices and
18 includes assignments normally involving supervision or the
19 potential for supervision of inmates in inmate housing areas,
20 educational or recreational facilities, industrial shops,
21 kitchens, laundries, medical areas, agricultural shops or fields,
22 or in other areas on or away from property of the department. The
23 term includes a member who transfers from the Texas Department of
24 Criminal Justice to the managed health care unit of The University

1 of Texas Medical Branch or the Texas Tech University Health
2 Sciences Center pursuant to Section 9.01, Chapter 238, Acts of the
3 73rd Legislature, 1993, elects at the time of transfer to retain
4 membership in the retirement system, and is certified by the
5 managed health care unit or the health sciences center as having a
6 normal job assignment described by this subdivision.

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

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

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

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

27 (2) approving juvenile justice officers for

1 participation in the law enforcement and custodial officer
2 supplemental retirement fund would not reduce or negatively impact
3 current benefits paid to members of the retirement system and law
4 enforcement and custodial officer supplemental retirement fund.

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

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

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

25 (2) beginning with the first pay period that occurs
26 after the board provides notice under this subsection, begin making
27 deductions and collecting the contributions for the law enforcement

1 and custodial officer supplemental retirement fund as provided by
2 Section 815.402(h).

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

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