

By: Geren

H.B. No. 2406

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to service retirement benefits payable by the Employees  
3 Retirement System of Texas to commissioned peace officers employed  
4 by the attorney general.

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

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

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

10 (A) has been commissioned as a law enforcement  
11 officer by the Department of Public Safety, the Texas Alcoholic  
12 Beverage Commission, the Parks and Wildlife Department, ~~[or]~~ the  
13 office of inspector general at the Texas Juvenile Justice  
14 Department, or the attorney general; and

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

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

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

24 (b) Notwithstanding Section 811.006, service of a member

1 established as a peace officer employed and commissioned by the  
2 attorney general under Section 402.009 is service creditable as a  
3 law enforcement officer.

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

6 (b) A member who is at least 55 years old and who has at  
7 least 10 years of service credit as a commissioned peace officer  
8 engaged in criminal law enforcement activities of the Department of  
9 Public Safety, the Texas Alcoholic Beverage Commission, the Parks  
10 and Wildlife Department, ~~or~~ the office of inspector general at  
11 the Texas Juvenile Justice Department, or the attorney general, or  
12 as a custodial officer, is eligible to retire and receive a service  
13 retirement annuity.

14 SECTION 4. Section 815.505, Government Code, is amended to  
15 read as follows:

16 Sec. 815.505. CERTIFICATION OF NAMES OF LAW ENFORCEMENT AND  
17 CUSTODIAL OFFICERS. Not later than the 12th day of the month  
18 following the month in which a person begins or ceases employment as  
19 a law enforcement officer or custodial officer, the Public Safety  
20 Commission, the Texas Alcoholic Beverage Commission, the Parks and  
21 Wildlife Commission, the office of inspector general at the Texas  
22 Juvenile Justice Department, the Board of Pardons and Paroles, the  
23 attorney general, or the Texas Board of Criminal Justice, as  
24 applicable, shall certify to the retirement system, in the manner  
25 prescribed by the system, the name of the employee and such other  
26 information as the system determines is necessary for the crediting  
27 of service and financing of benefits under this subtitle.

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

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

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

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