

By: Guillen

H.B. No. 4141

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

1 supplemental retirement fund; and

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

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

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

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

21 (b) An office or employment that is included in the coverage
22 of the Teacher Retirement System of Texas, other than in a position
23 identified as a peace officer position under Section 825.515, the
24 Judicial Retirement System of Texas Plan One, or the Judicial
25 Retirement System of Texas Plan Two or, except as provided by
26 Section 9.01, Chapter 238 (S.B. 378), Acts of the 73rd Legislature,
27 Regular Session, 1993, is with a university system or institution

1 of higher education, as defined by Section 61.003, Education Code,
2 is not a position with a department, commission, board, agency, or
3 institution of the state for purposes of this subtitle.

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

7 SECTION 4. Section 815.505, Government Code, is amended to
8 read as follows:

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

21 (b) Not later than the 12th day of the month following the
22 month in which a person begins or ceases employment with an employer
23 required to provide information about a person identified as being
24 employed in a position as a peace officer under Section 825.515
25 shall certify to the retirement system, in the manner prescribed by
26 the system, the name of the employee and such other information as
27 the system determines is necessary for the crediting of service and

1 financing of benefits under this subtitle.

2 SECTION 5. Section 822.002(a), Government Code, is amended
3 to read as follows:

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

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

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

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

15 (4) [~~(2)~~] has retired under the retirement system and
16 has not been reinstated to membership pursuant to Section 824.005
17 or 824.307.

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

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

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

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

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

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

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

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