

House Bill 398 (AS PASSED HOUSE AND SENATE)

By: Representatives Battles of the 15<sup>th</sup> and Burns of the 159<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 17 of Title 47 of the Official Code of Georgia Annotated, relating to  
2 general provisions for the Peace Officers' Annuity and Benefit Fund, so as to update a  
3 cross-reference; to add a position eligible for membership in such fund; to provide for a  
4 certain employer's contribution to such fund; to provide for related matters; to provide  
5 conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other  
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 17 of Title 47 of the Official Code of Georgia Annotated, relating to the Peace  
10 Officers' Annuity and Benefit Fund, is amended by revising subparagraph (I) of paragraph  
11 (5) of Code Section 47-17-1, relating to definitions, as follows:

12 "(I) Persons in the categories listed below who are required, as a condition necessary  
13 to carry out their duties, to be certified as peace officers pursuant to the provisions of  
14 Chapter 8 of Title 35, known as the 'Georgia Peace Officer Standards and Training Act':

15 (i) Persons employed by the Department of Juvenile Justice who have been  
16 designated by the commissioner of juvenile justice to investigate and apprehend  
17 delinquent children or children in need of services who have escaped from an  
18 institution or facility or have broken their conditions of supervision; any employee of  
19 the Department of Juvenile Justice whose full-time duties include the preservation of  
20 public order, the protection of life and property, the detection of crime, or the  
21 supervision of delinquent children or children in need of services in its institutions,  
22 facilities, or programs or who is a line supervisor of any such employee, provided that  
23 the powers of a peace officer have been conferred upon such person pursuant to  
24 Chapter 4A of Title 49;

25 (ii) Narcotics agents retained by the director of the Georgia Bureau of Investigation  
26 pursuant to the provisions of Code Section 35-3-9;

- 27 (iii) Investigators employed by the Secretary of State as securities investigators  
 28 pursuant to the provisions of Code Section 10-5-10;
- 29 (iv) Investigators employed by the Secretary of State as investigators for the  
 30 professional licensing boards pursuant to the provisions of Code Section 43-1-5;
- 31 (v) Persons employed by the Department of Driver Services to whom the  
 32 commissioner of driver services has delegated law enforcement powers; provided,  
 33 however, that no such person shall be entitled to obtain any prior creditable service  
 34 other than actual membership service; ~~and~~
- 35 (vi) Persons employed by the Georgia Composite Medical Board as investigators  
 36 pursuant to subsection (e) of Code Section ~~43-34-24.1~~; 43-34-6; and
- 37 (vii) Persons employed by the Georgia Board of Dentistry as investigators pursuant  
 38 to subsection (d) of Code Section 43-11-2.1."

39 **SECTION 2.**

40 Said chapter is further amended in Article 4, relating to revenues collected from fines and  
 41 fees relative to the Peace Officers' Annuity and Benefit Fund, by adding a new Code section  
 42 to read as follows:

43 "47-17-62.

44 The Georgia Board of Dentistry shall pay an employer contribution for each person who  
 45 becomes a member of the fund pursuant to division (5)(I)(vii) of Code Section 47-17-1.  
 46 Such contribution shall be the full actuarial cost of the member's participation as calculated  
 47 by the actuary for the fund and shall be made on a monthly basis."

48 **SECTION 3.**

49 This Act shall become effective on July 1, 2018, only if it is determined to have been  
 50 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia  
 51 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not  
 52 become effective and shall be automatically repealed in its entirety on July 1, 2018, as  
 53 required by subsection (a) of Code Section 47-20-50.

54 **SECTION 4.**

55 All laws and parts of laws in conflict with this Act are repealed.