

The House Committee on Retirement offers the following substitute to SB 328:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 47 of the Official Code of Georgia Annotated, relating to retirement and
2 pensions, so as to revise many provisions of the Peace Officers' Annuity and Benefit Fund;
3 to revise provisions related to eligibility and full-time employment; to revise provisions
4 related to the appointment, terms of office, and duties of the board of trustees; to change the
5 title for the secretary-treasurer to executive director; to increase monthly dues; to revise
6 procedures for delinquent dues; to change certain aspects for purchases of creditable service;
7 to change payments from monthly to annual; to allow benefits prior to termination of
8 employment; to revise benefit calculations; to provide for the refund of contributions; to
9 provide for related matters; to provide for conditions for an effective date and automatic
10 repeal; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, is
14 amended by revising Chapter 17, relating to the Peace Officers' Annuity and Benefit Fund,
15 as follows:

S. B. 328 (SUB)

"CHAPTER 17

ARTICLE 1

47-17-1.

As used in this chapter, the term:

(1) 'Board' means the Board of Commissioners of the Peace Officers' Annuity and Benefit Fund.

(1.1) 'Creditable service' means approved prior service plus membership service.

(1.2) 'Full time' means regularly working a minimum of 30 hours per week or 120 hours per 28 day period for a law enforcement unit or communications center.

(2) 'Fund' means the Peace Officers' Annuity and Benefit Fund.

(3) 'Income' means any and all income received by a peace officer for services rendered, whether such income is in the form of salary, fees, subsistence allowance or other type of allowance, or any combination thereof.

(4) 'Member' means a member of the Peace Officers' Annuity and Benefit Fund.

(4.1) 'Membership service' means service which is rendered by an employee while he or she is a member of the fund and for which credit is allowable under this chapter.

(5) 'Peace officer' means:

(A) Any person who is employed full time by an enforcement unit or communications center, agency, or department of the state or any municipality, county, or other political subdivision thereof, recognized by the Georgia Peace Officer Standards and Training Council, who is required by the terms of such person's employment to comply with the requirements of the 'Georgia Peace Officer Standards and Training Act' contained in Chapter 8 of Title 35, and who has satisfactorily completed one or more of the following basic training courses approved by the POST Council:

(i) Law enforcement;

(ii) Communications officer;

42 (iii) Correctional officer;

43 (iv) Probate/Parole officer;

44 (v) Jail officer; or

45 (vi) Juvenile correctional officer;

46 (B) All employees of the Peace Officers Annuity and Benefit Fund who are required
47 by the terms of their employment to devote their full time to such job; and

48 (C) Any person who was a member of the fund pursuant to the definitions contained
49 in subparagraphs (A) and (B) of this paragraph and who is subsequently promoted to
50 a position of similar duties but broader supervisory duties, if such person's new position
51 requires him or her to comply with the standards contained in Chapter 8 of Title 35, the
52 'Georgia Peace Officers Standards and Training Act.'

53 ~~(A) Any peace officer who is employed by this state or any municipality, county, or~~
54 ~~other political subdivision thereof who is required by the terms of such peace officer's~~
55 ~~employment, whether by election or appointment, to give such peace officer's full time~~
56 ~~to the preservation of public order, the protection of life and property, or the detection~~
57 ~~of crime in this state or any municipality, county, or other political subdivision thereof~~
58 ~~and who is required by the terms of such peace officer's employment to comply with~~
59 ~~the requirements of the 'Georgia Peace Officer Standards and Training Act' contained~~
60 ~~in Chapter 8 of Title 35, provided that, for the purposes of this chapter, any deputy~~
61 ~~sheriff employed as such by a sheriff of this state shall be deemed to be employed by~~
62 ~~the county in which such sheriff serves;~~

63 ~~(B) Any warden or correction officer of state or county correctional institutions and~~
64 ~~any warden or correction officer of municipal correctional institutions of a municipality~~
65 ~~having a population of 70,000 or more according to the United States decennial census~~
66 ~~of 1970 or any future such census who is required by the terms of his or her~~
67 ~~employment as such warden or correction officer to give his or her full time to his or~~
68 ~~her job as such warden or correction officer; and any warden or correction officer of a~~

69 ~~municipal correctional institution who on or before October 1, 1962, pays dues for prior~~
70 ~~service shall be deemed to have been a member for such periods and shall be entitled~~
71 ~~to all the rights and benefits to which other members during such periods are entitled,~~
72 ~~provided that any such warden or correction officer as provided in this subparagraph~~
73 ~~is required by the terms of his or her employment to comply with the requirements of~~
74 ~~the 'Georgia Peace Officer Standards and Training Act' contained in Chapter 8 of Title~~
75 ~~35;~~

76 ~~(C) All employees of the Peace Officers' Annuity and Benefit Fund who are required~~
77 ~~by the terms of their employment to devote their full time to such job; and any such~~
78 ~~full-time employee who on or before October 1, 1962, paid dues for prior service shall~~
79 ~~be deemed to have been a member for such periods and shall be entitled to all the rights~~
80 ~~and benefits to which other members are entitled;~~

81 ~~(D) Any parole officers who are required by the terms of their employment to devote~~
82 ~~full time to their job;~~

83 ~~(E) Any law enforcement employee of the Alcohol and Tobacco Tax Unit of the~~
84 ~~Department of Revenue who is required by the terms of his or her employment to~~
85 ~~devote his or her full time to his or her job as a law enforcer, and any supervisor of such~~
86 ~~employees who, himself or herself, is assigned to the Alcohol and Tobacco Tax Unit~~
87 ~~and who is required by the terms of his or her employment to have arrest powers and~~
88 ~~to enforce the alcohol and tobacco tax laws;~~

89 ~~(F) Any person employed by the Department of Transportation who is designated by~~
90 ~~the commissioner of transportation as an enforcement officer pursuant to Code Section~~
91 ~~32-6-29, provided that such enforcement officers shall be entitled to creditable service~~
92 ~~toward retirement only for membership service rendered after April 5, 1978, and only~~
93 ~~for membership service which is rendered in such capacity prior to July 1, 2001;~~

94 ~~(G) Any full-time identification technician or identification supervisor employed by~~
95 ~~this state, or any subdivision or municipality thereof, whose duties include the~~

~~investigation and detection of crime or whose duties are supervisory over those identification technicians whose duties include the investigation and detection of crime in this state, and who has been considered a member of the Peace Officers' Annuity and Benefit Fund, and paid dues thereto, at any time on or before July 1, 1981; and such identification technicians and identification supervisors shall be deemed to have been members for such prior period of service that dues were paid and shall be entitled to all rights and benefits to which other members are entitled;~~

~~(H) Reserved;~~

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

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

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

~~(iii) Investigators employed by the Secretary of State as securities investigators pursuant to the provisions of Code Section 10-5-10;~~

~~(iv) Investigators employed by the Secretary of State as investigators for the professional licensing boards pursuant to the provisions of Code Section 43-1-5;~~

- 123 ~~(v) Persons employed by the Department of Driver Services to whom the~~
124 ~~commissioner of driver services has delegated law enforcement powers; provided,~~
125 ~~however, that no such person shall be entitled to obtain any prior creditable service~~
126 ~~other than actual membership service;~~
- 127 ~~(vi) Persons employed by the Georgia Composite Medical Board as investigators~~
128 ~~pursuant to subsection (e) of Code Section 43-34-6; and~~
- 129 ~~(vii) Persons employed by the Georgia Board of Dentistry as investigators pursuant~~
130 ~~to subsection (d) of Code Section 43-11-2.1;~~
- 131 ~~(J) Any person who was a member of the fund pursuant to the definitions contained in~~
132 ~~subparagraphs (A) through (I) of this paragraph and who is subsequently promoted to~~
133 ~~a position of similar duties but broader supervisory duties, if such person's new position~~
134 ~~requires him or her to comply with the standards contained in Chapter 8 of Title 35, the~~
135 ~~'Georgia Peace Officer Standards and Training Act,' and such person retains his or her~~
136 ~~powers of arrest;~~
- 137 ~~(K) Any employee of the Department of Corrections whose full-time duties include the~~
138 ~~preservation of public order, the protection of life and property, the detection of crime,~~
139 ~~or the supervision of inmates and detainees or who is a line supervisor of any such~~
140 ~~employee, provided that all such persons are required to comply with the requirements~~
141 ~~of Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and Training Act,' in~~
142 ~~order to hold their positions and in addition have been conferred with the powers of a~~
143 ~~police officer pursuant to Code Section 42-5-35;~~
- 144 ~~(L) Each jail officer, as such term is defined in the Code Section 35-8-2, who is~~
145 ~~certified by the Georgia Peace Officer Standards and Training Council and who~~
146 ~~maintains compliance with Chapter 8 of Title 35, the 'Georgia Peace Officer Standards~~
147 ~~and Training Act'; and~~

148 ~~(M) Each communications officer, as such term is defined in Code Section 35-8-23,~~
 149 ~~who is certified or maintains compliance with rules and regulations prescribed by the~~
 150 ~~Georgia Peace Officer Standards and Training Council with respect to such position.~~
 151 ~~(6) 'Service,' as used to determine the amount of annuities or benefits due any beneficiary~~
 152 ~~under this chapter, means the total number of years in the aggregate actually served by~~
 153 ~~a peace officer, computed from the date such peace officer began his service as a peace~~
 154 ~~officer.~~

155 ARTICLE 2

156 47-17-20.

157 (a) In order to carry out this chapter and to perform the duties fixed in it, there is created
 158 the Board of Commissioners of the Peace Officers' Annuity and Benefit Fund. The board
 159 shall be composed of six members, as follows:

- 160 (1) The Governor or the Governor's designee;
 161 (2) An appointee of the Governor who is not the Attorney General;
 162 (3) The Commissioner of Insurance or the Commissioner's designee;
 163 (4) A peace officer actively employed by an agency of the state or a retired peace officer
 164 who was employed by an agency of the state upon retirement;
 165 (5) A peace officer actively employed by a county or a retired peace officer who was
 166 employed by a county upon retirement; and
 167 (6) A peace officer actively employed by a municipality or a retired peace officer who
 168 was employed by a municipality upon retirement.

169 (b) Each of the members provided for under paragraphs (4), (5), and (6) of subsection (a)
 170 of this Code section shall be an active member of the fund or a retired peace officer who
 171 is a beneficiary of the fund. ~~Each such member~~ Members shall be appointed by the
 172 Governor to staggered three-year terms. ~~take office on July 1, 1984. The initial member~~

173 ~~appointed pursuant to paragraph (4) of subsection (a) of this Code section shall be the~~
174 ~~successor to incumbent board member, Sergeant Robert Brown, whose regular term of~~
175 ~~office expires October 31, 1984, and the term of said incumbent member is shortened to~~
176 ~~expire on June 30, 1984; and the initial term of the successor appointed by the Governor~~
177 ~~shall be one year. The initial member appointed pursuant to paragraph (5) of subsection (a)~~
178 ~~of this Code section shall be the successor to incumbent board member, Captain Raymond~~
179 ~~Purvis, whose regular term of office expires on October 31, 1985, and the term of said~~
180 ~~incumbent member is shortened to expire on June 30, 1984; and the initial term of the~~
181 ~~successor appointed by the Governor shall be two years. The initial member appointed~~
182 ~~pursuant to paragraph (6) of subsection (a) of this Code section shall be the successor to~~
183 ~~incumbent board member, Sergeant Terry McAfee, whose regular term of office expires~~
184 ~~October 31, 1984, and the term of said incumbent member is shortened to expire on June~~
185 ~~30, 1984; and the initial term of the successor appointed by the Governor shall be three~~
186 ~~years. Thereafter, successors to such members shall be appointed by the Governor to take~~
187 ~~office upon the expiration of the respective terms of office for terms of three years. All~~
188 ~~such members shall serve until their successors are appointed and qualified.~~

189 (c) If a vacancy occurs in a position on the board held by one of the members appointed
190 pursuant to subsection (b) of this Code section, the Governor shall fill such vacancy for the
191 unexpired term within 30 days after the date the vacancy occurred. The members of the
192 board shall receive the same expense allowance as that received by members of the General
193 Assembly and the same mileage allowance for the use of a personal automobile as that
194 received by other state officials or employees or a travel allowance of actual transportation
195 costs if traveling by public carrier within the state. Any board member shall also be
196 reimbursed for any conference or meeting registration fee incurred in the performance of
197 the member's duties as a board member. For each day's service outside of the state as a
198 board member, such member shall receive actual expenses as an expense allowance as well
199 as the same mileage allowance for the use of a personal automobile as that received by

200 other state officials and employees or a travel allowance of actual transportation costs if
201 traveling by public carrier or by rental motor vehicle. The board, by regulation, shall
202 provide for the submission and approval of expense vouchers in conformity with the
203 requirements of this subsection.

204 (d) The board shall elect from its members a ~~chairman~~ chairperson and a ~~vice-chairman~~
205 vice chairperson.

206 (e) A majority of the members of the board shall constitute a quorum for the purpose of
207 transacting all business that may come before the board.

208 (f) The executive committee of the Peace Officers' Association of Georgia ~~shall~~ may
209 submit to the Governor a list of three names for each person to be appointed by the
210 Governor pursuant to subsection (b) of this Code section as a member of the board. In
211 making appointments pursuant to subsection (b) of this Code section, the Governor may
212 consider the names submitted by the executive committee, but it is specifically provided
213 that the appointments shall be at the sole discretion of the Governor, and the Governor shall
214 not be required to choose any appointee from names submitted by the executive committee.

215 47-17-21.

216 (a) There is created the office of ~~secretary-treasurer~~ executive director of the Peace
217 Officers' Annuity and Benefit Fund. The ~~secretary-treasurer~~ executive director shall be
218 elected by the board, ~~and shall serve at its pleasure. His compensation shall be fixed by the~~
219 ~~board. He, and~~ shall perform the duties provided for in this chapter and such other duties
220 and services as the board may direct. The board shall fix the compensation of the executive
221 director.

222 (b) The ~~secretary-treasurer~~ executive director shall give a good and sufficient surety bond
223 in such an amount as may be determined by the board, and such surety bond shall be
224 conditioned upon the proper and faithful performance of ~~his duties as secretary-treasurer~~
225 the duties of the executive director.

226 (c) ~~The secretary-treasurer shall make quarterly reports to the board showing the total~~
 227 ~~amount of money in his hands at the time of making such report and also showing a full~~
 228 ~~accounting of receipts and expenditures since his last quarterly report. Subject to direction~~
 229 ~~and limitations as may be set by the board, the executive director shall be authorized to~~
 230 ~~enter into agreements for the acquisition of goods and services for the fund.~~

231 47-17-22.

232 The board is given the following powers and duties:

- 233 (1) To provide for the collection of all moneys provided for in this chapter;
 234 (2) To provide for payment of all annuities and benefits under this chapter;
 235 (3) To provide for and maintain all necessary administrative facilities and personnel;
 236 (4) To provide for payment of all administrative salaries, fees, and expenses;
 237 (5) To hear and determine applications for membership in this fund according to the
 238 terms of this chapter;
 239 (6) To hear and determine applications for retirement, disability, and death benefits
 240 according to the terms of this chapter;
 241 (7) To make rules, regulations, and requirements consistent with this chapter for
 242 determining eligibility of members for disability, death, and retirement benefits;
 243 (8) To bring and defend actions;
 244 ~~(8)~~(9) To delegate its authority to invest funds to one or more members of the board;
 245 ~~(9)~~(10) To provide for the keeping of minutes and records of all meetings and
 246 proceedings of the board, including all rules, regulations, delegations, and requirements
 247 passed upon by the board;
 248 ~~(10)~~(11) To delegate any and all duties and authorities granted in this Code section to the
 249 ~~secretary-treasurer~~ executive director under such conditions as may be deemed proper by
 250 the board, provided that the board shall at all times hear and determine any matter arising
 251 under this chapter if it so desires, if such matter is referred to it by the ~~secretary-treasurer~~

252 executive director, or if such matter is appealed to the board by any person affected by
 253 a decision made by the ~~secretary-treasurer~~ executive director;

254 ~~(11)~~(12) To exercise such other powers, not inconsistent with this chapter, as are
 255 necessary for the proper administration of this chapter; ~~and~~

256 (13) To contract with other public retirement funds, and any department, agency, or
 257 authority of the state or municipality or county, for the provision of administrative
 258 services and investment of assets; and

259 ~~(12)~~(14) To correct errors in the records of the fund in those instances in which an error
 260 results in a member or beneficiary receiving more or less than ~~he or she~~ they would have
 261 been entitled to receive had the records been correct and to adjust the payments, as far as
 262 is practicable, in such a manner that the member or beneficiary is paid the actuarial
 263 equivalent of the benefit to which ~~he or she is~~ they are actually entitled.

264 47-17-23.

265 (a) The board shall have such control of the funds provided for in this chapter as is not
 266 inconsistent with this chapter and other general laws. All funds received by the board shall
 267 be deposited in a special ~~account~~ accounts in the name of the Peace Officers' Annuity and
 268 Benefit Fund. The board shall have the authority to expend such funds in accordance with
 269 this chapter.

270 (b) The board shall have full power to invest and reinvest such funds, subject to all the
 271 terms, conditions, limitations, and restrictions imposed by Article 7 of Chapter 20 of this
 272 title, the 'Public Retirement Systems Investment Authority Law.' Subject to such terms,
 273 conditions, limitations, and restrictions, the board shall have full power to hold, purchase,
 274 sell, assign, transfer, and dispose of any of the securities and investments in which any of
 275 the funds are invested, including the proceeds of any investments and any money belonging
 276 to the fund.

277 (c) The board may take, by gift, grant, devise, or bequest, any money, real or personal
278 property, or any other thing of value and hold or invest it for the uses and purposes of the
279 fund in accordance with this chapter.

280 (d) The board is authorized to employ agents, including, but not limited to, banks or trust
281 departments thereof, and to enter into contracts with such agents for their services as
282 investment advisers and counselors, in making recommendations for investments and in
283 making investments if the board so authorizes.

284 47-17-24.

285 It shall be the duty of the board to keep permanent records of all its actions in granting
286 annuities or benefits. Such records shall give the name of the recipient, the date of the
287 beginning of the membership service of the involved peace officer, the date of such
288 officer's incapacity, retirement, or death, the reason therefor, and such other information
289 as the board shall desire. All records, papers, and other data shall be carefully preserved
290 and turned over to the succeeding members of the board.

291 47-17-25.

292 The state auditor is authorized and directed to make an annual audit of the acts and doings
293 of the board and to make a complete report of the same to the General Assembly. The state
294 auditor shall not be required to distribute copies of the report to the members of the General
295 Assembly but shall notify the members of the availability of the report in the manner which
296 he or she deems to be most effective and efficient. The report shall disclose all moneys
297 received by the board and all its expenditures including administrative expenses and
298 payments made as annuities and benefits. The state auditor shall also make an audit of
299 affairs of the board at any time ~~he or she is~~ if requested to do so by a majority of the board.

300 47-17-26.

301 (a) Subject to the terms and limitations of this Code section, the board of commissioners
302 is authorized to adopt from time to time a method or methods of providing for increases in
303 the maximum monthly retirement benefit payable under Article 6 of this chapter for
304 persons theretofore or thereafter retiring under this chapter. Such method shall be based
305 upon:

- 306 (1) The recommendation of the actuary of the board of commissioners;
307 (2) The maintenance of the actuarial soundness of the fund in accordance with the
308 standards provided in Code Section 47-20-10 or such higher standards as may be adopted
309 by the board; and
310 (3) Such other factors as the board deems relevant.

311 Any such increase may be uniform or may vary in accordance with the time of retirement,
312 length of creditable service, age, nature of the retirement, or such other factors as the board
313 of commissioners shall determine.

314 (b) An initial increase may be granted pursuant to subsection (a) of this Code section to
315 become effective on July 1, 1993, not to exceed 3 percent of the maximum monthly
316 retirement benefit then in effect. Thereafter, such increases may be authorized effective
317 as of January 1 and July 1 of each year; provided, however, that no such increase shall
318 exceed 1 1/2 percent of the maximum monthly retirement benefit then in effect.

319 (c) No increase shall be made pursuant to subsection (a) of this Code section to become
320 effective within six months of the effective date of any increase in the maximum retirement
321 benefit granted by the General Assembly through amendment of Code Section 47-17-80.

322 47-17-27.

323 (a) The board is authorized and empowered to appoint and compensate a hearing officer
324 for the purpose of holding hearings, compiling evidence and information, and submitting
325 evidence, information, and recommendations to the board in any contested case.

326 (b) The hearing officer shall have the authority to do the following in connection with any
327 hearing: administer oaths and affirmations; sign and issue subpoenas; rule upon offers of
328 proof; regulate the course of the hearing, set the time and place for the hearing or any
329 continued hearings, and fix the time for filing any briefs; provide for the taking of
330 testimony by deposition or interrogatory; and reprimand or exclude from the hearing any
331 person for any indecorous or improper conduct committed in the presence of the hearing
332 officer. When a subpoena issued by the hearing officer is disobeyed, any interested party
333 may apply to the superior court of the county where the hearing is being held for an order
334 requiring obedience. Failure to comply with such order shall be cause for punishment as
335 for contempt of court. Any applicant for disability benefits shall have the right to be
336 represented by counsel before the hearing officer.

337 (c) With respect to all hearings before the hearing officer:

338 (1) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules
339 of evidence as applied in the trial of civil nonjury cases in the superior courts shall be
340 followed. Evidence not admissible under such rules of evidence may be admitted if it is
341 of a type commonly relied upon by reasonably prudent persons in the conduct of their
342 affairs. The hearing officer shall give effect to the rules of privilege recognized by law;
343 and

344 (2) Documentary evidence may be received in the form of copies or excerpts if the
345 original is not readily available. At the discretion of the hearing officer, the original shall
346 be compared with the copy or excerpt.

347 (d) The hearing officer, within 30 days from the close of the evidence or, if necessary, a
348 longer period of time approved by the board, shall certify the entire record from the hearing
349 to the board, together with his or her recommendation on the application. On review of the
350 entire record from the hearing officer, the board shall have all the powers it would have in
351 presiding at the reception of the evidence. In its discretion, the board may take additional
352 testimony or remand the matter to the hearing officer for such purpose. The

353 recommendation of the hearing officer to the board shall be made a part of the record
354 before the board.

355 (e) As a part of its decision subsequent to any hearing, the board shall include findings of
356 fact and conclusions of law, separately stated, and the effective date of the decision. The
357 decision of the board shall be mailed to the parties as soon after the rendition of the
358 decision as is practicable.

359 (f) Any party who is adversely affected by any final decision of the board may seek
360 judicial review of the final decision of the board in the Superior Court of Spalding County.
361 Proceedings for review shall be instituted by filing a petition with the court within 30 days
362 after the decision is rendered. A copy of the petition shall be served upon the board. The
363 petition shall state the nature of the petitioner's interest, the facts showing that the petitioner
364 is aggrieved by the decision of the hearing officer, and the grounds upon which the
365 petitioner contends the decision should be reversed or remanded. The petition may be
366 amended with leave of the court.

367 (g) Within 30 days after the service of the petition or within further time allowed by the
368 court, the hearing officer shall transmit to the reviewing court the original or a certified
369 copy of the entire record of the proceeding under review. By agreement of the petitioner,
370 the record may be shortened. The court may require or permit subsequent corrections or
371 additions to the record.

372 (h) The filing of the petition shall in no manner stay the enforcement of the decision of the
373 hearing officer.

374 (i) The review shall be conducted by the court without a jury and shall be confined to the
375 record. The court shall not substitute its judgment for that of the hearing officer as to the
376 weight of the evidence on questions of fact. The court may affirm the decision of the
377 hearing officer or remand the case for further proceedings. The court may reverse the
378 decision of the hearing officer if substantial rights of the petitioner have been prejudiced
379 because the findings, inferences, conclusions, or decisions of the hearing officer are:

- 380 (1) In violation of constitutional or statutory provisions;
 381 (2) In excess of the statutory authority of the hearing officer;
 382 (3) Made upon unlawful procedure;
 383 (4) Clearly erroneous in view of the reliable, probative, and substantial evidence on the
 384 whole record; or
 385 (5) Arbitrary or capricious.
- 386 (j) A petitioner who is aggrieved by an order of the court in a proceeding authorized under
 387 this Code section may appeal to the Supreme Court of Georgia or the Court of Appeals of
 388 Georgia in accordance with Title 5.

389 ARTICLE 3

390 47-17-40.

- 391 (a) In order to obtain membership in the fund, a peace officer shall make application to the
 392 board upon an application form to be furnished by it for that purpose. It shall be the duty
 393 of the employing authority to ~~notify the board within 30 days from the date a peace officer~~
 394 ~~is employed, furnishing the name and mailing address of such peace officer. The board~~
 395 ~~shall furnish an application~~ for membership form and a certification by employing
 396 authority form to such peace officer within ~~15~~ 30 days ~~after such notification from the date~~
 397 of employment. The application form shall be accompanied by such material and
 398 information as will enable the peace officer to determine the benefits to be derived by
 399 virtue of said peace officer's membership in the fund. ~~An applicant must furnish proof of~~
 400 ~~the date of such applicant's birth, and such proof shall be in such form as shall be required~~
 401 ~~by the board.~~
- 402 (b) Reserved.
- 403 (c) In addition to the requirements stated in this Code section, an application for
 404 membership shall contain such other information as may be required by the board.

405 47-17-41.

406 ~~The board may provide by rule and regulation for the retention of any legally qualified~~
407 ~~member who has temporarily ceased employment as a peace officer and for credit for such~~
408 ~~period, provided that an application for retention of membership is submitted not later than~~
409 ~~90 days after such employment has ceased; and provided, further, that he or she shall pay~~
410 ~~to the fund the amounts required for such period. Such member may obtain one month of~~
411 ~~such credit for each month of active membership performed after the period of~~
412 ~~unemployment as a peace officer; provided, however, that not more than 12 months of~~
413 ~~absence from such employment shall be allowed under this Code section during a member's~~
414 ~~entire membership in the fund Reserved.~~

415 47-17-42.

416 ~~Any other provisions of this chapter to the contrary notwithstanding, any person who was~~
417 ~~totally blinded in the line of duty as a peace officer prior to the creation of the fund and~~
418 ~~who has been unable to serve as a peace officer since that injury is authorized to become~~
419 ~~a member of the fund, regardless of whether such person is now or hereafter a peace~~
420 ~~officer. If he elects to join the fund, he shall pay into it the amount which he would have~~
421 ~~paid had he joined the fund upon its creation and continued as a member since that time,~~
422 ~~which amount shall be determined by the board. Upon such payment he shall be~~
423 ~~authorized to receive the maximum disability benefits under Code Section 47-17-81~~
424 ~~without the necessity of complying with any time limitations contained in that Code~~
425 ~~section. In addition to such benefits as provided for in this chapter, the fund may choose~~
426 ~~to offer and provide other benefits as it may determine to be advisable and financially~~
427 ~~feasible.~~

428 47-17-43.

429 Nothing contained in this chapter shall be construed so as to prevent any peace officer who
430 is a member of the fund from belonging to any other retirement, annuity, or benefit system.

431 47-17-44.

432 ~~(a)(1) Beginning on July 1, 2020, and ending on June 30, 2021, each member shall pay~~
433 ~~monthly dues into the fund of \$25.00.~~

434 ~~(2)(A)~~ On and after July 1, 2021, each member shall pay monthly dues into the fund in an
435 amount to be determined annually by the board that shall be at least \$25.00, but shall not
436 exceed \$50.00.

437 (b) On and after July 1, 2024, each member shall pay monthly dues into the fund in an
438 amount to be determined annually by the board that shall be at least \$35.00, but shall not
439 exceed \$70.00.

440 ~~(B)(c)~~ The base amount of monthly dues established pursuant to this ~~paragraph~~ Code
441 section shall apply uniformly to all members.

442 ~~(C)(d)~~ The board shall determine the monthly dues amount based on:

443 ~~(i)(1)~~ The recommendation of the actuary of the board;

444 ~~(ii)(2)~~ The maintenance of the actuarial soundness of the fund in accordance with the
445 minimum funding standards provided in Code Section 47-20-10 or such higher standards
446 as may be adopted by the board; and

447 ~~(iii)(3)~~ Such other factors as the board ~~declares~~ determines relevant.

448 ~~(3)(e)~~ Each month's dues shall be paid not later than the tenth day of that month. Any
449 member of the fund who becomes delinquent in payment of dues by failure to pay the
450 prescribed amount by the tenth of any month shall be notified of such delinquency by the
451 executive director on the tenth of the following month. If payment is not received by the
452 tenth of the next month, the member shall be removed from active status in the fund and
453 notified by mail. Any member who is dropped for nonpayment of dues shall have six

454 months from the last fully paid month to reinstate their membership. The member shall
455 pay all back dues together with a \$100.00 reinstatement fee to avoid a break in service. No
456 previously verified creditable service credit will be lost upon reinstatement. After the
457 six-month reinstatement period has expired, credit for prior service may only be obtained
458 by tendering to the board an amount equal to the full actuarial cost of such time as
459 calculated by the actuary for the fund only after the member has resumed monthly
460 payments.

461 ~~(4)(f) Each member shall be required to pay such dues for a minimum period of ten years,~~
462 ~~or 15 years for individuals who became members on or after July 1, 2010, before being~~
463 ~~eligible to receive the retirement benefits under this chapter, provided that, if such member~~
464 ~~is eligible to retire under this chapter and so desires, such member may retire, and the board~~
465 ~~shall deduct such monthly amount from his or her retirement benefits until he or she has~~
466 ~~paid dues into the fund for a period of ten years or 15 years for individuals who became~~
467 ~~members on or after July 1, 2010.~~

468 ~~(b) No member shall receive credit for any service performed after March 1, 1951, unless~~
469 ~~such member has paid into the fund the amount required for such service. Upon~~
470 ~~application of any peace officer who applies for membership and who owes dues for~~
471 ~~service since March 1, 1951, the board may allow and provide for periodic payments of~~
472 ~~such dues over a period of not more than 36 months immediately subsequent to the date of~~
473 ~~his or her acceptance as a member.~~

474 ~~(c) Except as provided in subsection (d) of this Code section, any member of the fund who~~
475 ~~has not obtained creditable service for prior service pursuant to the provisions of subsection~~
476 ~~(a) of Code Section 47-17-70 may obtain such service by tendering to the board an amount~~
477 ~~equal to the dues at the rate of \$20.00 per month plus 10 percent interest per annum~~
478 ~~compounded annually from the date the prior service was rendered to the date of payment~~
479 ~~for all years claimed as prior service; provided, however, that no member shall be allowed~~
480 ~~to purchase more than a total of five years of such creditable service; provided, further,~~

481 ~~however, that any member who becomes or again becomes a member of the fund on or~~
482 ~~after July 1, 1994, must have been an active member of the fund for five years or more to~~
483 ~~obtain the prior service credit provided for in this subsection.~~

484 ~~(d) Any member of the fund who qualifies for membership under the definition contained~~
485 ~~in subparagraph (J) of paragraph (5) of Code Section 47-17-1 who has not obtained~~
486 ~~creditable service for prior service pursuant to the provisions of subsection (a) of Code~~
487 ~~Section 47-17-70 may obtain such service by tendering to the board an amount equal to the~~
488 ~~dues at the rate of \$20.00 per month plus 10 percent interest per annum compounded~~
489 ~~annually from the date the prior service was rendered to the date of payment for all years~~
490 ~~claimed as prior service.~~

491 ARTICLE 4

492 47-17-60.

493 (a) The greater of \$10.00 or 10 percent of each bond forfeited and collected in any
494 criminal or quasi-criminal case for violation of state statutes, county ordinances, or
495 municipal ordinances, which case is before any court or tribunal in this state, shall be paid
496 to the ~~secretary-treasurer~~ executive director. An amount equal to the greater of \$10.00 or
497 10 percent of each fine imposed in any criminal or quasi-criminal case for violation of state
498 statutes, county ordinances, or municipal ordinances, which case is before any court or
499 tribunal in this state, shall be added to the amount of the fine imposed and collected, and,
500 once collected, shall be paid to the ~~secretary-treasurer~~ executive director. For purposes of
501 determining amounts to be paid to the ~~secretary-treasurer~~ executive director, the amount
502 of the fine or bond collected shall be deemed to include costs. The amounts provided for
503 shall be paid to the ~~secretary-treasurer~~ executive director before the payment of any costs
504 or any claim whatsoever against such fine or forfeiture. The collecting authority shall pay
505 such amounts to the ~~secretary-treasurer~~ executive director on the first day of the month

506 following that in which they were collected or at such other time as the board may provide.
507 With such payment there shall be filed an acceptable form which shows the number of
508 cases in each of the above categories and the amounts due in each category. It shall be the
509 duty of the collecting authority to keep accurate records of the amounts due the board so
510 that the records may be audited or inspected at any time by any representative of the board
511 under its direction. Sums remitted to the ~~secretary-treasurer~~ executive director under this
512 Code section shall be used as provided for elsewhere in this chapter.

513 (a.1) The greater of 5 percent or \$5.00 of each fee collected prior to adjudication of guilt
514 for purposes of pretrial diversion pertaining to any criminal or quasi-criminal case for
515 violation of state statutes, county ordinances, or municipal ordinances as provided for in
516 subsection (f) of Code Section 15-18-80, which case is before any court or tribunal in this
517 state, shall be paid to the ~~secretary-treasurer~~ executive director. The clerk of court as
518 provided for in subsection (f) of Code Section 15-18-80 shall pay such amounts to the
519 ~~secretary-treasurer~~ executive director on the first day of the month following that in which
520 they were collected or at such other time as the board may provide. With such payment
521 there shall be filed an acceptable form from the clerk of court which shows the number of
522 cases in each of the above categories and the amounts due in each category. It shall be the
523 duty of the clerk of court to keep accurate records of the amounts due the board so that the
524 records may be audited or inspected at any time by any representative of the board under
525 its direction. Sums remitted to the ~~secretary-treasurer~~ executive director under this Code
526 section shall be used as provided for elsewhere in this chapter.

527 (b) If the collecting authority fails to remit such amounts with an acceptable form properly
528 filled out within 60 days of the date on which such remittal is due, the same shall be
529 delinquent, and there shall be imposed, in addition to the principal amount due, a specific
530 penalty in the amount of 5 percent of the principal amount per month for each month
531 during which the funds continue to be delinquent, provided that such penalty shall not
532 exceed 25 percent of the principal due. In addition to such penalty, interest shall be

533 charged on delinquent amounts at the rate of 6 percent per annum from the date the funds
534 become delinquent until they are paid. By affirmative vote of all members, the board, upon
535 the payment of the delinquent funds together with interest and for good cause shown, may
536 waive the specific penalty otherwise charged under this subsection.

537 47-17-61.

538 The Georgia Composite Medical Board shall pay an employer contribution for each person
539 of its investigators who becomes a member of the fund ~~pursuant to division (5)(I)(vi) of~~
540 ~~Code Section 47-17-1~~. Such contribution shall be the full actuarial cost of the member's
541 participation as calculated by the actuary for the fund and shall be made on a ~~monthly~~ an
542 annual basis.

543 47-17-62.

544 The Georgia Board of Dentistry shall pay an employer contribution for each person of its
545 investigators who becomes a member of the fund ~~pursuant to division (5)(I)(vii) of Code~~
546 ~~Section 47-17-1~~. Such contribution shall be the full actuarial cost of the member's
547 participation as calculated by the actuary for the fund and shall be made on a ~~monthly~~ an
548 annual basis.

549 47-17-63.

550 The board, the Georgia Emergency Communications Authority, and the Department of
551 Revenue shall coordinate to the extent necessary to ensure that the fund receives the
552 amounts that it is owed pursuant to subsection (a) of Code Section 38-3-188.

553

ARTICLE 5

554 47-17-70.

555 ~~(a) No peace officer who first makes application for membership in the fund on or after~~
556 ~~May 1, 1968, shall be given credit for any prior service, and such peace officer shall~~
557 ~~receive credit only from the date he or she becomes a member of the fund; provided,~~
558 ~~however, a Any nonretired member of the fund may claim a maximum of five years for~~
559 ~~service rendered as a peace officer prior to such member's joining the fund if such member~~
560 ~~complies with subsection (c) of Code Section 47-17-44 and remains an active member of~~
561 ~~the fund for a period of time at least equal to the number of years claimed for prior service;~~
562 ~~provided, further, that any member defined in subparagraph (J) of paragraph (5) of Code~~
563 ~~Section 47-17-1 may claim service as a peace officer prior to such member's joining the~~
564 ~~fund without regard to such five-year limitation if such member complies with subsection~~
565 ~~(c) of Code Section 47-17-44 by tendering to the fund the full actuarial cost of such time~~
566 ~~as calculated by the actuary for the fund. All purchased time shall count toward vesting.~~

567 (b) A member who is determined by the board to be in good standing and who enlists in
568 or is drafted into any branch of the armed forces of the United States shall not be required
569 to remit any funds to the board during such period of service and shall receive credit for
570 such service, provided that such member left ~~his~~ their work as a peace officer to enter the
571 armed forces of the United States and returned to work as a peace officer within six months
572 after ~~he~~ they ceased such service and engaged in no other type of work within such
573 six-month period. Such member shall receive one year of creditable service for each year
574 of service in the armed forces of the United States, provided that there shall be a limit of
575 five years of credit for such service. If a member remains in the armed forces of the United
576 States longer than five years, ~~his~~ their membership shall be terminated at the end of such
577 five-year period but shall be reinstated if ~~he returns~~ they return to work as a peace officer

578 within six months after ~~he ceases~~ they cease such service and if ~~he has~~ they have not
579 engaged in any other type of work within such six-month period.

580 47-17-71.

581 (a) It is the intent of the General Assembly to provide for the grant of creditable service
582 to any active member of the fund for each month of prior service as a peace officer
583 rendered prior to January 1, 1976, if during such period the member was denied
584 membership in the fund or was actively prevented from making such application because
585 of his or her race or ethnicity.

586 (b) The board is authorized and directed to receive the applications of such members as
587 would be eligible to receive creditable service under the terms and conditions as set forth
588 in subsection (c) of this Code section. Entitlement to such creditable service shall attach
589 upon the submission of application, subject to all provisions of this Code section relative
590 to funding.

591 (c) A member wishing to establish creditable service for service performed prior to
592 January 1, 1976, as provided in subsection (a) of this Code section, must make written
593 application to the board during the six-month period from July 1, 2006 through December
594 31, 2006, and:

595 (1) Provide the board with such proof of prior service as the board deems necessary,
596 which shall include, at a minimum, pay records, tax returns, W-2 statements, or a sworn
597 statement of the employer stating that the employment records bear proof of such
598 employment. Such statement shall be subject to a civil fine of \$5,000.00 for false
599 swearing; and

600 (2) Provide the board with a sworn statement of the applicant that he or she applied for
601 membership in the fund and was denied membership, or that he or she was actively
602 prevented from making such application because of his or her race or ethnicity. Such
603 statement shall be subject to a civil fine of \$5,000.00 for false swearing.

604 (d) As soon as practicable following the last day for application, the board shall cause the
605 actuary for the fund to determine the amount of funding necessary to grant the creditable
606 service to all members whose applications are accepted and approved in accordance
607 without creating any actuarial accrued liability as to the fund, in accordance with the
608 provisions of Chapter 20 of this title, the 'Public Retirement Systems Standards Law.' A
609 pro rata portion of one-half of such amount, determined by the number of months of
610 creditable service requested by each person, shall be assigned as such person's employee
611 contribution required to receive such creditable service. The board shall notify each
612 applicant of his or her pro rata share, and each such person shall pay such amount to the
613 board not later than March 1, 2007, or thereafter be ineligible to receive such creditable
614 service. During the regular 2007 session, the General Assembly may appropriate funds
615 sufficient to cover one-half of the amount determined by the actuary as necessary to grant
616 the creditable service, together with any portion of the total required employee contribution
617 which was not received by the board from the applicants by March 1, 2007.

618 (e) The creditable service provided for in subsection (a) of this Code section shall be
619 granted on July 1, 2007, only if the board receives the full amount determined by the
620 actuary as necessary to implement the provisions of this Code section. Otherwise, the
621 board shall refund all amounts received from the members as employee contributions,
622 together with regular interest thereon, and this Code section shall thereafter have no effect.

623 ARTICLE 6

624 47-17-80.

625 (a) At the time a member qualifies for retirement payments, such member must choose a
626 payment option provided for in this Code section. A member shall become eligible to
627 begin receiving benefits on the first day of the month following the month in which the
628 member qualified for retirement and terminated active employment as a peace officer;

629 provided, however, that, if a member is vested and has reached age 55, then the
630 requirement of terminated active employment as a peace officer is waived. A member shall
631 present to the ~~secretary-treasurer~~ executive director a completed application form for
632 retirement benefits within 30 days of the anticipated retirement date. The application shall
633 contain such information as the board shall require. After approval by the board, the
634 ~~secretary-treasurer~~ executive director shall pay to such retired member a monthly sum
635 based on the option chosen by the member. If a married member with a spouse then living
636 is unable to choose an option provided for in this Code section and to complete an
637 application form because of death, mental incompetency, or other providential cause, then
638 Option Two shall become effective. After a member's retirement application has been
639 approved by the board, the member is ineligible to return to active status in the fund.

640 (b)(1) Option One shall consist of a single life annuity payable in monthly payments for
641 the life of the member only. The monthly payment under this option shall be an amount
642 equal to ~~\$25.15~~ \$30.00 per month for each full year of creditable service; ~~provided,~~
643 ~~however, on July 1, 2021, such amount shall increase to \$30.00 per month for each full~~
644 ~~year of creditable service~~ and in the event the member shall have additional service credit
645 not totaling a full year, the further sum of one-twelfth of the amount paid per month for
646 each additional year of service credit shall be paid for each month of additional service
647 credit, provided that the member either has at least ten years of membership service, or 15
648 years of membership service for individuals who became members on or after July 1, 2010,
649 and is at least 55 years of age or has at least 30 years of creditable service, regardless of
650 age. Such monthly benefit payment shall be paid on each full year and additional full
651 months of creditable service up to a maximum of 30 years of total service.

652 ~~(2) No member shall be eligible for benefits under this option until the member's official~~
653 ~~duties as a peace officer have been terminated, except as otherwise provided in this~~
654 ~~chapter, and unless the member files an application for retirement benefits within 90 days~~

655 ~~from the date of the termination of the member's official duties as a peace officer, unless~~
656 ~~prevented therefrom for good cause.~~

657 ~~(3) If such member shall qualify for retirement benefits in every respect except for~~
658 ~~completion of payment of monthly dues for the periods of time for which the member has~~
659 ~~received service credit, dues shall be deducted from the member's monthly benefit check~~
660 ~~until such dues have been paid in full.~~

661 ~~(4) Any member who has at least ten years of membership service, or 15 years of~~
662 ~~membership service for individuals who became members on or after July 1, 2010, for~~
663 ~~which dues have been fully paid but who has not reached 55 years of age may cease~~
664 ~~paying monthly dues into the fund if the member's employment as a peace officer is~~
665 ~~terminated; and upon reaching 55 years of age, the member may be eligible to receive~~
666 ~~retirement benefits under this option.~~

667 (c) Option Two shall consist of a 100 percent joint life annuity payable during the life of
668 the member or the member's spouse. The amount of monthly payment to be paid under this
669 option shall be based on the date the member first becomes eligible to receive pension
670 benefits (normal retirement date) and shall be computed so as to be actuarially equivalent
671 to the monthly retirement payment which would have been paid to the member under
672 Option One. Such actuarial equivalence shall be computed ~~on the~~ using an interest rate and
673 current mortality ~~basis approved from time to time table adopted~~ by the board, the age of
674 the member, and, if applicable, the age of ~~his or her~~ the spouse as of the date benefits are
675 to commence or as of the date benefits would have commenced if the member had retired
676 after first becoming eligible for full benefits, whichever is earlier.

677 (d) Option Three shall consist of a contingency life annuity with a 50 percent monthly
678 payment to the surviving spouse. The amount of monthly payment to be paid under this
679 option shall be based on the date the member first becomes eligible to receive pension
680 benefits (normal retirement date) and shall be computed so as to be actuarially equivalent
681 to the monthly retirement payment which would have been paid to the member under

682 Option One. Such actuarial equivalence shall be computed ~~on the interest rate and~~
683 ~~mortality basis approved from time to time~~ using an interest rate and current mortality table
684 adopted by the board, the age of the member, and, if applicable, the age of his or her spouse
685 as of the date benefits are to commence or as of the date benefits would have commenced
686 if the member had retired after first becoming eligible for full benefits, whichever is earlier.

687 (e) Under Option Two or Three, in the case of a divorce, a retired member may revoke the
688 election of any such option at any time after the entry of a final judgment of complete
689 divorce from the retired member's spouse or the retired member may elect to continue
690 under Option Two or Three for the benefit of the former spouse. Upon any such
691 revocation, or in the case of the death of a spouse, the retired member shall begin receiving
692 the monthly retirement benefit which the retired member would have been entitled to
693 receive under Option One. In the event any such retired member remarries, ~~after divorce~~
694 ~~from the former spouse and the retired member elected to revoke Option Two or Three as~~
695 ~~provided in this subsection, the retired member~~ may elect to begin receiving the applicable
696 reduced monthly retirement benefit of equivalent actuarial value and reestablish on behalf
697 of the new spouse the same option which was applicable to the former spouse. Such
698 actuarial equivalence shall be based on the age of the retired member and the age of the
699 retired member's new spouse at the time of such election and shall be computed ~~on the~~
700 ~~Mortality Table GA51, with projection, using interest at 6 percent per annum,~~ using an
701 interest rate and current mortality table adopted by the board with a five-year age setback
702 for females and monthly payment annuity functions. ~~The option on behalf of the new~~
703 ~~spouse may not be exercised until one year after the date of remarriage or until a child of~~
704 ~~the remarried couple is born, whichever is earlier.~~

705 ~~(e.1) When a retired member has elected Option Two or Option Three, then in the event~~
706 ~~the spouse predeceases the retired member, the monthly retirement benefit payable to the~~
707 ~~retired member after the death of the spouse shall be increased to the monthly retirement~~
708 ~~benefit which the retired member would have been entitled to receive under Option One.~~

709 ~~In the event any such retired member remarries or has remarried after the death of the~~
710 ~~former spouse, the retired member may elect to begin receiving the applicable reduced~~
711 ~~retirement benefit of equivalent actuarial value and reestablish on behalf of the new spouse~~
712 ~~the same option which was applicable to the deceased former spouse, but such option on~~
713 ~~behalf of the new spouse may not be reestablished until one year after the date of~~
714 ~~remarriage or until a child of the remarried couple is born, whichever is earlier. Actuarial~~
715 ~~equivalence under this subsection shall be determined in the same manner that it is~~
716 ~~determined under subsection (e) of this Code section. This subsection applies to retired~~
717 ~~members who retired at any time prior to July 1, 1990, as well as to those who retire on or~~
718 ~~after that date, but increases in monthly retirement benefits authorized by this subsection~~
719 ~~shall not be paid retroactively for any period of time prior to July 1, 1990, notwithstanding~~
720 ~~the fact that a spouse covered under Option Two or Option Three may have died prior to~~
721 ~~July 1, 1990.~~

722 ~~(f) Nothing contained in this Code section shall affect the requirement that a member make~~
723 ~~payments into the fund for a minimum period of ten years, or 15 years for members who~~
724 ~~become members on or after July 1, 2010, nor shall it affect the requirement that credit for~~
725 ~~service after March 1, 1951, shall not be given unless the member has made the required~~
726 ~~payments to the fund for all such service. Any peace officer becoming a member of the~~
727 ~~fund between April 1, 1953, and March 31, 1965, inclusive, must remain an active member~~
728 ~~and, in addition to completing the required years of service, must remit the correct amount~~
729 ~~of dues to the fund for a period of three years from the date he or she becomes a member,~~
730 ~~irrespective of previous service credited for which dues are paid, before being eligible for~~
731 ~~any retirement benefits provided under this Code section. Any peace officer becoming a~~
732 ~~member of the fund for the first time on or after April 1, 1965, must remain an active~~
733 ~~member and, in addition to completing the required years of service, must remit the correct~~
734 ~~amount of dues to the fund for a period of five years from the date he or she becomes a~~

735 ~~member, irrespective of previous service credited for which dues are paid, before being~~
736 ~~eligible for any retirement benefits provided under this Code section.~~

737 ~~(g)(1) Except as provided in paragraphs (2) and (3) of this subsection, any member who~~
738 ~~again becomes employed as a peace officer after having been placed on retirement under~~
739 ~~this Code section shall immediately notify the secretary-treasurer of such reemployment.~~
740 ~~Retirement benefits being paid to such member shall be terminated as of the date of such~~
741 ~~reemployment and shall remain terminated for the duration of such reemployment.~~
742 ~~During such period of reemployment, said member shall pay regular monthly dues into~~
743 ~~this fund. Upon meeting the requirements provided by law, such member shall be~~
744 ~~entitled to all benefits provided for in Code Sections 47-17-81 and 47-17-82; but such~~
745 ~~member shall not be entitled to any increase in retirement benefits by virtue of service~~
746 ~~during the period of reemployment unless such reemployment is for a term of three years~~
747 ~~or more, in which instance such member may again apply for retirement as if he or she~~
748 ~~had not previously been retired; and he or she shall be entitled to such benefits as may be~~
749 ~~provided by law at that time, if he or she so chooses.~~

750 ~~(2) The provisions of paragraph (1) of this subsection shall not apply to a retired member~~
751 ~~employed in any capacity for 1,040 hours or less in any calendar year.~~

752 ~~(3) The provisions of paragraph (1) of this subsection shall not apply to a member~~
753 ~~otherwise qualified for a normal service retirement under this chapter with at least 30~~
754 ~~years of creditable service and who has attained the age of 55. Any such member may~~
755 ~~continue or reenter employment as a peace officer and shall for all purposes be~~
756 ~~considered a retired member of this fund; provided, however, that the provisions of this~~
757 ~~paragraph shall not apply to any person who first or again becomes a member on or after~~
758 ~~July 1, 2009.~~

759 ~~(h) The amounts provided for as retirement benefits in this Code section shall apply to~~
760 ~~those members who have retired prior to July 1, 1990, as well as to those members who~~
761 ~~retire on or after that date. The service of each member who retired prior to July 1, 1990,~~

762 shall be recomputed; and, if it is determined that the amounts provided for in this Code
763 section result in an increase in the retirement benefits being paid to such member, such
764 benefits shall be increased to the proper amount and shall be paid to the member in the
765 future, beginning July 1, 1990. If it is determined that an increase in retirement benefits
766 will result for any such retired member, and such retired member shall not have completed
767 payment of dues for all service credit previously allowed as of the date of such member's
768 retirement, monthly dues shall be deducted from the member's monthly retirement benefits
769 until such time as said dues shall have been paid for each month of service for which
770 retirement credit has been received; provided, however, that no such member shall be
771 allowed to change the option under which the member originally retired unless the member
772 shall again become employed as a peace officer as provided in subsection (g) of this Code
773 section and complies with all the provisions of subsection (g) of this Code section.

774 ~~(i)~~(f) In the event an active member of the fund dies before retirement and such member
775 has accumulated at least ten years of membership service, or 15 years for members who
776 become members on or after July 1, 2010, or would otherwise have been eligible to receive
777 retirement benefits, ~~except for the member's not having terminated the member's official~~
778 ~~capacity as a peace officer~~, benefits shall be extended to the surviving spouse of such
779 member in the form of an annuity for the remaining life of such spouse determined and
780 paid to such surviving spouse under Option Two of this Code section to the same extent
781 as if such member had died while receiving retirement benefits under Option Two.

782 ~~(j)~~(g) Upon the death of any retired member, any unpaid monthly benefits shall be paid to
783 the named beneficiary, if any, or if there is no named beneficiary, then to the estate of the
784 retired member.

785 47-17-81.

786 (a) Any dues-paying member who became a member prior to July 1, 1993, who is
787 rendered totally and permanently disabled by disease or injury so as to be unable to

788 perform substantially all of the duties of the position to which the member was regularly
789 assigned when the disability originated or so as to be unable to engage in any occupation
790 or gainful employment for which the member is reasonably suited by virtue of the
791 member's background, training, education, and experience shall be entitled to disability
792 benefits of ~~\$257.00~~ \$455.00 per month for life or until the member's disability ceases,
793 provided that the member makes application to the board for disability benefits within 12
794 months of becoming totally and permanently disabled.

795 (b) The disability benefits provided under this Code section shall be payable upon the
796 event of disability as provided in subsection (a) of this Code section regardless of the cause
797 of the disability and shall be payable when the disability is a result of any mental or
798 physical injury or disease, whether caused by reason of the peace officer's employment or
799 not, provided that no benefits shall be payable under this Code section for any disability
800 resulting from the chronic and excessive consumption of alcoholic beverages, addiction to
801 drugs, the use of which is prohibited in this state by law, engagement by the member in any
802 criminal act, willful misconduct of the member, or injury sustained by the member while
803 serving in the armed forces of any country or while on active duty in the National Guard
804 or other armed forces reserve force.

805 (c) Any other provision of law to the contrary notwithstanding, any member who is
806 receiving disability benefits pursuant to this Code section on June 30, 1990, and who had
807 at least 20 years of creditable service at the time such member first became eligible for
808 such disability benefits shall receive the same benefits as a member who retires at age 55
809 or older with 20 years of creditable service under the provisions of Code Section 47-17-80.
810 For each year of creditable service above 20 years but not more than 30 years which such
811 member had when first becoming eligible to receive disability benefits, the benefits shall
812 be the same as those provided for the same number of years of creditable service under the
813 provisions of Code Section 47-17-80. The benefits of such members who are receiving
814 disability benefits pursuant to this Code section on June 30, 1990, shall be recomputed and

815 the increased benefits shall be paid to such members beginning July 1, 1990. Any member
816 who first becomes eligible to receive disability benefits on or after July 1, 1990, who has
817 the required years of creditable service as provided in this subsection shall have disability
818 benefits computed and paid in the same manner as provided in this subsection.

819 (d) The amount of disability benefits in this Code section shall apply to those members
820 who have retired on disability prior to July 1, 1990, as well as to those members who retire
821 on disability on or after that date. The creditable service of each such member who retired
822 prior to July 1, 1990, shall be recomputed, and the benefits provided under this Code
823 section shall be paid to such member in the future beginning July 1, 1990.

824 (e) Once each year during the first five years following the commencement of disability
825 benefits under this Code section, and once in every three-year period thereafter, the board
826 may require a disability beneficiary who has not yet attained 65 years of age to undergo a
827 medical examination, such examination to be made at his or her place of residence, or other
828 place mutually agreed upon, by physicians designated by the board. The disability benefits
829 recipient may himself or herself request such an examination. The designated physicians
830 shall report to the board, following each such examination, the current status and condition
831 of the recipient's disability.

832 (f) A disabled member's disability benefits shall cease:

833 (1) Upon his or her return to gainful employment with the employer for which he or she
834 worked at the time ~~his or her~~ their disability originated;

835 (2) If he or she refuses to submit to any medical examination requested under this Code
836 section, in which case the benefits shall remain discontinued until the member's
837 withdrawal of such refusal and submission to the requested medical examination; and,
838 if his or her refusal continues for one year, all his or her rights in and to disability benefits
839 may be revoked by the board;

840 (3) If the board determines on the basis of any medical examination that the member has
841 sufficiently recovered from his or her disability so as to again be able to perform

842 substantially all of the duties of the position to which he or she was regularly assigned
843 when the disability originated, or so as to be able to engage in an occupation or gainful
844 employment for which he or she is reasonably suited by virtue of his or her background,
845 training, education, and experience;

846 (4) If the member does in fact obtain gainful employment compensating him or her at a
847 level equal to or greater than the current compensation for the position he or she occupied
848 at the time his or her disability originated; or

849 (5) When he or she dies.

850 (g) The board shall prescribe and furnish a form and procedure for the application for
851 disability benefits. Applications shall contain such information as the board shall require.
852 Upon the receipt of an application, the board may pass upon and decide whether to grant
853 or deny the application on the basis of the submitted information or may refer the
854 application to its duly appointed hearing officer for a recommendation. Any applicant for
855 disability benefits shall have the right to request the board to refer his or her application to
856 the hearing officer for a recommendation. In the consideration of any application for
857 disability benefits, the receipt of disability benefits or payments by the applicant under the
858 federal Social Security Act shall be deemed sufficient for eligibility for disability benefits
859 under this Code section.

860 (h) Any other provision of this Code section to the contrary notwithstanding, no person
861 who becomes a member or again becomes a member of this fund on or after July 1, 1993,
862 shall be entitled to any benefit provided for in this Code section.

863 47-17-82.

864 ~~(a) A peace officer, upon becoming a member of the fund and after having designated a~~
865 ~~beneficiary, shall be issued a certificate by the board whereby the board shall agree to pay~~
866 ~~the sum of \$3,500.00, or such lesser amount as might be arrived at under this Code section,~~
867 ~~to such beneficiary upon the death of such member. If a member has received \$1,000.00~~

868 ~~or more in retirement benefits at the time of his or her death, such beneficiary shall only~~
869 ~~be entitled to receive \$2,500.00 upon the death of such member. If a member has received~~
870 ~~less than \$1,000.00 in retirement benefits at the time of his or her death, such beneficiary~~
871 ~~shall only be entitled to receive an amount which, when added to the amount already~~
872 ~~received by the member, will total \$3,500.00; provided, however, that the amount to be~~
873 ~~paid to a member who dies with less than five years of service shall be \$1,000.00.~~
874 Following the death of a retired member or an active member in good standing, upon
875 application to the board and proof of death, the member's designated beneficiary shall be
876 paid the sum of \$5,000.00.

877 (b) The designated beneficiary of any dues-paying member who receives an injury by
878 external accident or violence arising out of and in the course of the employment as a peace
879 officer and not resulting from willful misconduct of such officer, which injury is the direct
880 and proximate cause of death within 12 months of the date of the injury, shall, upon
881 application to the board and lawful proof of such injury and death as the direct and
882 proximate result thereof, be paid a sum of \$5,500.00, provided that, if such peace officer
883 received any disability benefits under this chapter, the \$5,500.00 death benefit provided for
884 ~~under this Code section shall be reduced in the amount of such disability benefits received;~~
885 ~~provided, further, that in no event shall such death benefit be less than \$2,500.00,~~
886 ~~regardless of the amount of benefits such peace officer may have drawn prior to his death~~
887 \$10,000.00.

888 (c) Applications for such benefits shall contain such information as the board shall ~~desire~~
889 require.

890 (d) If the amount of dues paid by the member prior to vesting is greater than the amount
891 of death benefit contained in subsection (a) or (b) of this Code section, the designated
892 beneficiary will receive a refund of the dues paid.

893 47-17-83.

894 (a) Upon application of any person who is or has been a member, the board may provide
895 for a refund to such person of ~~95~~ 100 percent of all dues paid by him such person for
896 periods of service which qualify as creditable service under this chapter.

897 (b) A member who takes a refund ~~after April 1, 1965, while still employed as a peace~~
898 ~~officer~~ shall not be eligible to be reinstated to membership and shall not be eligible to
899 receive credit for service rendered before ~~he~~ they again ~~becomes~~ become a member. After
900 a period of at least six months after taking a refund, ~~he~~ they may apply for new
901 membership, subject to other terms and conditions set forth in this chapter and any lawful
902 rules and regulations adopted by the board relating to membership.

903 (c) ~~Upon application of any person who received a refund of dues prior to April 1, 1965,~~
904 ~~or of any person who is not employed as a peace officer and who receives a refund of dues~~
905 ~~after April 1, 1965, the board may reinstate such person as a member. Such person may~~
906 ~~further be granted credit for all periods of service for which dues have previously been~~
907 ~~paid, provided that such person shall, at the time of application, be a peace officer;~~
908 ~~provided, further, that he tenders back to the fund all moneys and all dues previously~~
909 ~~refunded, plus regular dues for any other period of service during which such person may~~
910 ~~have served as a peace officer, together with interest on such amounts at the rate of 8~~
911 ~~percent per annum from the date of such refund; provided, further, that, if such person has~~
912 ~~served eight or more continuous months as a peace officer, beginning on or after April 1,~~
913 ~~1965, without having made application for reinstatement to membership within that~~
914 ~~eight-month period, his right to be so reinstated to membership shall be forever forfeited~~
915 ~~and he shall not be eligible to receive credit for service rendered before he again becomes~~
916 ~~a member. He may apply for new membership, subject to other terms and conditions set~~
917 ~~forth in this chapter and any lawful rules and regulations adopted by the board relating to~~
918 ~~membership.~~

919 (d) The board may refund 100 percent of any overpayment of dues paid by any person for
920 any period of membership service during which it is determined that such person was not
921 a peace officer, and ~~he is~~ they are not entitled to credit for such period of service.

922 ARTICLE 7

923 47-17-100.

924 The provisions of this chapter relating to benefits and annuities shall not become operative
925 until after the funds necessary to carry out this chapter have been provided. All claims for
926 annuities or benefits arising before such funds are made available shall not be covered by
927 this chapter; and the board is directed not to pay any annuities or benefits based upon any
928 such claim; but, for the purpose of computing the length of service under this chapter, the
929 board shall be authorized to include the period of time elapsing between February 1, 1950,
930 and the date that it becomes operative.

931 47-17-101.

932 All rights and benefits under this chapter shall be subject to future legislative change or
933 revision, and no beneficiary shall be deemed to have any vested right to any annuities or
934 benefits under this chapter.

935 47-17-102.

936 If at any time the amounts derived from the different sources provided in this chapter are
937 not sufficient to enable the board to pay in full each person determined to be entitled to
938 annuities or benefits under this chapter, then each beneficiary shall receive a prorated
939 percentage of the monthly benefits otherwise payable until the fund is sufficiently
940 replenished to warrant the resumption thereafter of full payments of such annuities or
941 benefits to each beneficiary. In no event shall the board, or any member of the board, be

942 liable to any beneficiary or the representatives of any beneficiary for any deficiencies in
943 payments made under this Code section.

944 47-17-103.

945 The right to any pension, annuity, allowance, or benefit; to the return of contributions; to
946 a pension, annuity, allowance or benefit itself; to any optional benefit, or any other right
947 accrued or accruing to any person under this chapter; and to moneys under this chapter
948 shall be exempt from any tax imposed by this state, county, municipal, or other political
949 subdivision, except as provided in Code Section 48-7-27; exempt from levy and sale,
950 garnishment, attachment, or any other process whatsoever; and shall be unassignable unless
951 otherwise specifically provided for in this chapter.

952 47-17-104.

953 Any person who knowingly furnishes false information for the purpose of becoming a
954 member of the fund, for receiving credit for service to which he is not entitled, or for
955 receiving benefits hereunder or any person who knowingly assists in doing any of the
956 foregoing things shall be guilty of a misdemeanor. Any person whose duty it is to remit
957 the sum provided for in Code Section 47-17-60 and who fails or refuses to remit such sum
958 shall be guilty of a misdemeanor.

959 47-17-105.

960 If at any time a member of the fund undergoes a change of employment to a position that
961 does not qualify the member as a 'peace officer' as such term is defined in this chapter, or
962 if his or her job description changes in a manner that is inconsistent with such definition,
963 such member shall have an affirmative duty to notify the board of such change
964 immediately. The board is not authorized to accept membership dues from any such

965 member or to pay benefits calculated on service after such a change of employment or job
966 description."

967 **SECTION 2.**

968 This Act shall become effective on July 1, 2024, only if it is determined to have been
969 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia
970 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not
971 become effective and shall be automatically repealed in its entirety on July 1, 2024, as
972 required by subsection (a) of Code Section 47-20-50.

973 **SECTION 3.**

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