

Senate Bill 322

By: Senators Walker III of the 20th, Gooch of the 51st, Anavitarte of the 31st, Albers of the 56th and Summers of the 13th

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 16 of Title 47 of the Official Code of Georgia Annotated, relating to the
2 Sheriffs' Retirement Fund of Georgia, so as to provide for an increase in dues; to provide for
3 an increase in the sum to be paid for purchasing prior service credit; to increase payments to
4 the fund from fees collected in civil actions; to increase the benefit payable upon the death
5 of certain members of the fund; to provide for related matters; to provide conditions for an
6 effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 16 of Title 47 of the Official Code of Georgia Annotated, relating to the Sheriffs'
10 Retirement Fund of Georgia, is amended by revising Code Section 47-16-40, relating to
11 application for membership in the fund, contents of application, and claim for credit for prior
12 service, as follows:

13 "47-16-40.

14 In order to become a member of the Sheriffs' Retirement Fund of Georgia, an applicant
15 must meet the following requirements:

- 16 (1) He or she must be a duly qualified and commissioned sheriff of a county of the State
17 of Georgia, serving as sheriff of the superior court of that county at the time he or she
18 files his or her application;
- 19 (2) He or she must file his or her application for membership with the secretary-treasurer
20 within one year from the date he or she begins service as a sheriff or within the time
21 limits set forth in Code Section 47-16-41;
- 22 (3) He or she must set out in the application for membership his or her correct date of
23 birth;
- 24 (4) He or she must list in his or her application for membership all periods of prior
25 service, including credit under Code Section 47-16-80 for services in the armed forces
26 of the United States or as a peace officer, for which service he or she intends to ask credit
27 as basis for his or her future retirement, or shall forever be barred from claiming credit
28 for services not so listed;
- 29 (5) The member must tender with the application, within 12 months from the date of that
30 application, or at such other time as the board may provide, a sum equal to the total of
31 ~~\$37.50~~ \$65.00 per month for credit claimed by the member under paragraph (4) of this
32 Code section for past service from and including January 1, 1961, to the date of
33 application; or if such amount is not paid by the due date, the member shall be
34 conclusively deemed to have waived his or her claim or right for credit for such period
35 of time; or
- 36 (6) He or she must also furnish to the board such other information and proof of pertinent
37 facts set out in the application for membership or relative to it as may be required by the
38 board; and failure to do so shall constitute grounds for denial of the application for
39 membership by the board."

40

SECTION 2.

41 Said chapter is further amended by revising Code Section 47-16-43, relating to requirements
42 for continued active membership in the fund, as follows:

43 "47-16-43.

44 In order to retain active membership in the fund, each member must:

45 (1) Continue serving as a sheriff;

46 (2) Pay to the secretary-treasurer membership dues of ~~\$45.00~~ \$65.00 per month. Such
47 payment shall be due on or before the tenth day of the following month until the member
48 has made such payments for a total of 30 years; and

49 (3) Comply with all other mandatory provisions of this chapter and all rules and
50 regulations promulgated by the board."

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SECTION 3.

52 Said chapter is further amended by revising subsections (a) and (b) of Code Section
53 47-16-61, relating to payments to fund from fees collected in civil actions, duty to record and
54 remit sums collected, and penalties on delinquent amounts, as follows:

55 "(a) In addition to all other legal costs, the sum of ~~\$1.00~~ \$5.00 shall be charged and
56 collected in each civil action, case, or proceeding, including, without limiting the generality
57 of the foregoing, all adoptions, charters, petitions for review, applications by personal
58 representative for leave to sell or invest, trade name registrations, applications for change
59 of name, and all other proceedings of a civil nature filed in the superior courts. The clerks
60 of the superior courts shall collect such fees, and the fees so collected shall be remitted to
61 the board quarterly or at such other time as the board may provide. It shall be the duty of
62 the clerks of the superior courts to keep accurate records of the amounts due the board
63 under this subsection, and such records may be audited by the board at any time. The sums
64 remitted to the board under this subsection shall be used only for the purposes provided for
65 in this chapter.

66 (b) In addition to all other legal costs, the sum of ~~\$1.00~~ \$5.00 shall be charged and
67 collected in each civil action, case, or proceeding, including, without limiting the generality
68 of the foregoing, all adoptions, charters, petitions for review, applications by personal
69 representative for leave to sell or invest, trade name registrations, applications for change
70 of name, and all other proceedings of a civil nature filed in the state courts and magistrate
71 courts of this state in which the sheriff of the superior court also fulfills the function as
72 sheriff of such inferior court. The clerks of such state courts and magistrate courts shall
73 collect such fees, and the fees so collected shall be remitted to the board quarterly or at
74 such other time as the board may provide. It shall be the duty of the clerks of such state
75 courts and magistrate courts to keep accurate records of the amounts due the board under
76 this subsection, and such records may be audited by the board at any time. The sums
77 remitted to the board under this subsection shall be used only for the purposes provided for
78 in this chapter."

79

SECTION 4.

80 Said chapter is further amended by revising Code Section 47-16-102, relating to death
81 benefits, beneficiaries, and procedure for designation of beneficiary to receive such benefits,
82 as follows:

83 "47-16-102.

84 In addition to the retirement benefits provided in this chapter, death benefits shall be paid
85 to members in accordance with the following:

86 (1) If any member of this fund dies before retirement, whether such member is active or
87 inactive, an amount equal to the total amount which has been paid by such member into
88 the fund as dues shall be paid, without interest, to such member's surviving spouse, if any,
89 to such member's named beneficiary, if any, or to such member's estate, in that order. If
90 any member dies after retirement without having received an amount equal in benefits
91 to the total amount which he or she has paid into the fund as dues, the difference, without

92 interest, shall be paid to his or her surviving spouse, if any, to his or her named
93 beneficiary, if any, or to such member's estate, in that order;

94 (2) In addition to the death benefits provided in paragraph (1) of this Code section, upon
95 the death of any inactive member who would otherwise qualify to be carried upon the
96 active membership rolls but for the fact that the member no longer holds the office of
97 sheriff, any member who is receiving retirement benefits, or any member who is
98 otherwise qualified to receive retirement benefits from this fund except that the member
99 has not reached the age of 55 years or has not filed an application or has not been
100 approved for retirement benefits, the sum of ~~\$15,000.00~~ \$25,000.00 shall be paid as
101 additional death benefits to the surviving spouse of such member, if any, to the member's
102 named beneficiary, if any, or to the member's estate, in that order. Upon the death of any
103 active member, the sum of ~~\$15,000.00~~ \$25,000.00 shall be paid as additional death
104 benefits to the surviving spouse of such member, if any, to the member's named
105 beneficiary, if any, or to the member's estate, in that order;

106 (3) At the time any member submits his or her application for membership in this fund,
107 at the time any member submits his or her application for retirement benefits, and from
108 time to time any member of this fund, whether carried on the active or inactive rolls of
109 this fund, and any person who is receiving retirement benefits from this fund shall be
110 afforded the opportunity to name a designated beneficiary to receive the death benefits
111 provided for in this Code section; provided, however, that such named beneficiary shall
112 be entitled to receive such death benefits only in the event such member or person does
113 not leave surviving a spouse at the time of his or her death. The procedure by which a
114 member or person receiving retirement benefits names a beneficiary to receive the death
115 benefits provided for in this Code section shall be determined and established by the
116 board, which shall have authority to establish forms and procedures for payment of the
117 death benefits; and

118 (4) Upon the death of an active member before or after the retirement of such member,
119 the surviving spouse of such member shall receive death benefits in the form of an
120 annuity for the life of such spouse, such annuity to be determined and paid under
121 paragraph (2) of subsection (a), subsection (b), and subsection (c) of Code Section
122 47-16-101 to the same extent as if such member had died while receiving retirement
123 benefits under Option Two; and in the case of the death of an active member who is not
124 already receiving retirement benefits, such annuity shall be determined and based upon
125 the period of creditable service which such member has at the time of his or her death.
126 Such benefit shall be in addition to benefits under paragraph (2) of this Code section, and
127 in lieu of benefits under paragraph (1) of this Code section."

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SECTION 5.

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

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SECTION 6.

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