

House Bill 460 (AS PASSED HOUSE AND SENATE)

By: Representatives Weldon of the 3<sup>rd</sup>, Battles of the 15<sup>th</sup>, Benton of the 31<sup>st</sup>, Black of the 174<sup>th</sup>, and Riley of the 50<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 7 of Title 47 of the Official Code of Georgia Annotated, relating to the  
2 Georgia Firefighters' Pension Fund, so as to provide that no person under a sentence of  
3 confinement shall be eligible for membership in such retirement fund; to provide that a  
4 member of such fund shall not accrue creditable service while under a sentence of  
5 confinement; to provide conditions for an effective date and automatic repeal; to repeal  
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 7 of Title 47 of the Official Code of Georgia Annotated, relating to the Georgia  
10 Firefighters' Pension Fund, is amended in Code Section 47-7-40, relating to eligibility to  
11 apply for membership and transfer of Georgia Class Nine Fire Department Pension Fund, by  
12 revising paragraph (1) of subsection (a) as follows:

13 "(a)(1) Any person employed as a firefighter or enrolled as a volunteer firefighter is  
14 eligible to make application to the board for membership in the fund; provided, however,  
15 that no person under a sentence of confinement shall be eligible for membership in the  
16 fund while he or she is incarcerated."

17 **SECTION 2.**

18 Said chapter is further amended by adding a new Code section to read as follows:

19 "47-7-90.

20 A member shall not earn creditable service for any service rendered during the time period  
21 in which the member is incarcerated under a sentence of confinement."

22 **SECTION 3.**

23 This Act shall become effective on July 1, 2014, only if it is determined to have been  
24 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia

25 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not  
26 become effective and shall be automatically repealed in its entirety on July 1, 2014, as  
27 required by subsection (a) of Code Section 47-20-50.

28

**SECTION 4.**

29 All laws and parts of laws in conflict with this Act are repealed.