

SENATE BILL NO. 1445

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Finance and Appropriations

on January 25, 2023)

(Patron Prior to Substitute--Senator Boysko)

A BILL to amend and reenact §§ 51.1-132, 51.1-201, and 51.1-212 of the Code of Virginia, relating to Virginia Retirement System; law-enforcement and correctional officers; part-time.

Be it enacted by the General Assembly of Virginia:

1. That §§ 51.1-132, 51.1-201, and 51.1-212 of the Code of Virginia are amended and reenacted as follows:

§ 51.1-201. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Employee" means a state police officer. "Employee" includes any state police officer who (i) is compensated on a salaried basis and (ii) regularly works at least 20 hours per week.

"Member" means any person included in the membership of the retirement system as provided in this chapter.

"Normal retirement date" means a member's sixtieth birthday.

"Retirement system" means the State Police Officers' Retirement System.

§ 51.1-212. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Employee" means any (i) member of the Capitol Police Force as described in § 30-34.2:1, (ii) campus police officer appointed under the provisions of Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1, (iii) conservation police officer in the Department of Wildlife Resources appointed under the provisions of Chapter 2 (§ 29.1-200 et seq.) of Title 29.1, (iv) special agent of the Virginia Alcoholic Beverage Control Authority appointed under the provisions of Chapter 1 (§ 4.1-100 et seq.) of Title 4.1, (v) law-enforcement officer employed by the Virginia Marine Resources Commission as described in §

27 9.1-101, (vi) correctional officer as the term is defined in § 53.1-1, and including correctional officers
 28 employed at a juvenile correction facility as the term is defined in § 66-25.3, (vii)~~any~~ parole officer
 29 appointed pursuant to § 53.1-143, and (viii)~~any~~ commercial vehicle enforcement officer employed by the
 30 Department of State Police. "Employee" includes any person employed in a position described in
 31 subdivisions (i) through (vi) who (a) is compensated on a salaried basis and (b) regularly works at least
 32 20 hours per week.

33 "Member" means any person included in the membership of the Retirement System as provided
 34 in this chapter.

35 "Normal retirement date" means a member's sixtieth birthday.

36 "Retirement System" means the Virginia Law Officers' Retirement System.

37 **§ 51.1-132. Eligible employees.**

38 Officers and employees of the political subdivision who are regularly employed full time on a
 39 salaried basis and whose tenure is not restricted as to temporary or provisional appointment may become
 40 members of the retirement system. Clerks of the circuit court and deputies shall be included in the coverage
 41 group. Officers and employees of an organization other than a public school board that functions solely
 42 within the boundaries of a county, city, or town shall be deemed to be officers and employees of the
 43 county, city, or town, and not of the organization, unless the cost of the organization's operation is borne
 44 by (i) the users of services; (ii) more than one county, city, or town; or (iii) any entity other than a county,
 45 city, or town. For purposes of this section, an employee of a political subdivision who (a) is compensated
 46 on a salaried basis, (b) works at least 20 hours per week, and (c) is employed as a law-enforcement officer,
 47 as defined in § 9.1-101, shall be considered a full-time employee for the purposes of participation in the
 48 Retirement System's group life insurance and retirement programs.

49 A member of a local system who, through election to a position as a constitutional officer, is no
 50 longer eligible for membership in the local system, and who, prior to such election, has accumulated within
 51 that system more than half the total service credits necessary to become eligible for full normal retirement
 52 benefits, may choose, with the concurrence of the local governing body, ~~(i)~~ (1) not to participate in the
 53 retirement system established pursuant to this chapter and ~~(ii)~~ (2) to become a member of the local system.

54 In such case, the member shall be deemed, for retirement purposes only, to have ceased employment, and
55 shall be permitted to withdraw his contribution as provided in § 51.1-161.

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