

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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HOUSE BILL 647  
PROPOSED COMMITTEE SUBSTITUTE H647-PCS10429-BC-27

Short Title: Enhanced In-Service Retirement for LEOs.

(Public)

Sponsors:

Referred to:

April 26, 2021

1 A BILL TO BE ENTITLED  
2 AN ACT ALLOWING CERTAIN RETIRED LAW ENFORCEMENT OFFICERS WHO ARE  
3 BENEFICIARIES OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT  
4 SYSTEM TO RETURN TO WORK AS SCHOOL RESOURCE OFFICERS OR ELECTED  
5 SHERIFFS WITHOUT ADVERSELY IMPACTING THEIR RETIREMENT BENEFITS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 128-21 is amended by adding a new subdivision to read:

8 "(11e) "In-service retired law enforcement officer" shall mean:

9 a. A member of the Local Governmental Employees' Retirement System  
10 who meets all of the following requirements:

11 1. Is at least 59.5 years of age with at least five years of  
12 membership service as a law enforcement officer.

13 2. Is actively employed as a deputy and transitions to  
14 employment by a sheriff's office or a police department as a  
15 school resource officer in a capacity that meets the definition  
16 of "employee" in G.S. 128-21(10), or is elected to the office of  
17 sheriff.

18 3. Elects to commence receiving a retirement allowance during  
19 employment as an in-service retired law enforcement officer.

20 b. A beneficiary of the Local Governmental Employees' Retirement  
21 System who meets all of the following requirements:

22 1. Is at least 59.5 years of age with at least five years of  
23 membership service as a law enforcement officer.

24 2. Is reemployed by a sheriff's office or a police department as a  
25 school resource officer no less than 90 days after separation  
26 from service in a capacity that meets the definition of  
27 "employee" in G.S. 128-21(10), or is elected to the office of  
28 sheriff.

29 3. Did not have a pre-arrangement at the time of separation from  
30 service to be reemployed or otherwise engaged to perform  
31 services for an employer participating in the Retirement  
32 System on a full-time, part-time, temporary, interim, or  
33 fee-for-service basis, whether contractual or otherwise."

34 **SECTION 2.** G.S. 128-24(5) is amended by adding a new sub-subdivision to read:

35 "f. Notwithstanding the definition of "retirement" in G.S. 128-21(19) or  
36 any other provision of State law to the contrary, an in-service retired



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1 law enforcement officer (i) under sub-subdivision a. of  
2 G.S. 128-21(11e) shall continue to receive a retirement allowance for  
3 the duration of the employment as an in-service retired law  
4 enforcement officer without limitation. The employee shall contribute  
5 as a member of the Retirement System and shall contribute at the  
6 applicable uniform contribution rate. Upon separation from service as  
7 an in-service retired law enforcement officer and upon electronic  
8 submission or written application to the Board of Trustees setting forth  
9 at what time, as of the first day of a calendar month, not less than one  
10 day nor more than 120 days subsequent to the execution and filing of  
11 the application, the member desires to commence retirement, the  
12 member's allowance shall be recomputed in accordance with the  
13 service retirement provisions of this Article pertaining to law  
14 enforcement officers taking into consideration the member's creditable  
15 service and contributions as an in-service retired law enforcement  
16 officer, (ii) under sub-subdivision b. of G.S. 128-21(11e) is not subject  
17 to the reemployment limitations specified in sub-subdivision c. of this  
18 subdivision. Should an employee who retired on an early or service  
19 retirement allowance be restored to service as an in-service retired law  
20 enforcement officer, that employee's allowance shall continue for the  
21 duration of the employment as an in-service retired law enforcement  
22 officer, without limitation. The employee shall again become a  
23 member of the Retirement System and shall contribute thereafter at the  
24 applicable, uniform contribution rate. Upon separation from service as  
25 an in-service retired law enforcement officer and upon electronic  
26 submission or written application to the Board of Trustees setting forth  
27 at what time, as of the first day of a calendar month, not less than one  
28 day nor more than 120 days subsequent to the execution and filing of  
29 the application, the member desires to commence retirement, the  
30 member's allowance shall be recomputed in accordance with the  
31 service retirement provisions of this Article pertaining to law  
32 enforcement officers, taking into consideration the member's  
33 creditable service and contributions as an in-service retired law  
34 enforcement officer."

35 **SECTION 3.** Any failure of a sheriff's office or police department employing a  
36 beneficiary under sub-subdivision b. of G.S. 128-21(11e) to comply with the requirements of that  
37 section shall be corrected by the Retirement System as it determines may be appropriate under  
38 State and federal law. Any costs of the correction, as determined by the Retirement System, shall  
39 be the sole responsibility of the sheriff's office or police department employing the beneficiary  
40 and shall be transferred to the pension accumulation fund under G.S. 135-8, under rules adopted  
41 by the Board of Trustees.

42 **SECTION 4.** This act becomes effective July 1, 2021.