

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 647
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40393-MGp-132

Short Title: Enhanced In-Service Retirement for LEOs. (Public)

Sponsors: Representative McNeill.

Referred to:

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 a beneficiary of the
9 Local Governmental Employees' Retirement System of North Carolina who
10 meets both of the following requirements:

- 11 a. Is at least 59.5 years of age, with at least five years of creditable service
12 as a law enforcement officer.
13 b. Is reemployed by a sheriff's office or a police department as a school
14 resource officer in a capacity that meets the definition of "employee"
15 in G.S. 128-21(10) or is elected to the office of sheriff."

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

17 "f. Notwithstanding the definition of "retirement" in G.S. 128-21(19) or
18 any other provision of State law to the contrary, an in-service retired
19 law enforcement officer is not subject to the reemployment limitations
20 specified in sub-subdivision c. of this subdivision. Should an
21 employee who retired on an early or service retirement allowance be
22 restored to service as an in-service retired law enforcement officer, that
23 employee's allowance shall continue for the duration of the
24 employment as an in-service retired law enforcement officer, without
25 limitation. The employee shall again become a member of the
26 Retirement System and shall contribute thereafter at the applicable,
27 uniform contribution rate. Upon separation from service as an
28 in-service retired law enforcement officer and upon electronic
29 submission or written application to the Board of Trustees setting forth
30 at what time, as of the first day of a calendar month, not less than one
31 day nor more than 120 days subsequent to the execution and filing of
32 the application, the member desires to commence retirement, the
33 member's allowance shall be recomputed in accordance with the
34 service retirement provisions of this Article pertaining to law
35 enforcement officers, taking into consideration the member's



