

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 417

Short Title: The Sergeant Mickey Hutchens Act. (Public)

Sponsors: Representatives Zenger, Paré, Lambeth, and Hardister (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Homeland Security, Military, and Veterans Affairs, if favorable, Pensions and Retirement, if favorable, Rules, Calendar, and Operations of the House

March 29, 2021

A BILL TO BE ENTITLED

AN ACT ALLOWING LAW ENFORCEMENT, PROBATION/PAROLE, AND CORRECTIONAL OFFICERS WHO HOLD AN ADVANCED LAW ENFORCEMENT OR CORRECTIONS CERTIFICATE ISSUED BY THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION OR THE ADVANCED LAW ENFORCEMENT CERTIFICATE ISSUED BY THE NORTH CAROLINA SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION TO PURCHASE AT FULL COST UP TO FOUR YEARS' CREDITABLE SERVICE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM OR THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 135-4 is amended by adding a new subsection to read:

"(k2) Credit at Full Cost for Law Enforcement, Probation/Parole Officers, and Correctional Officers Holding an Advanced Law Enforcement or Corrections Certificate. – Notwithstanding any other provisions of this Chapter, a member who has completed at least five years of membership service and who has been awarded the Advanced Law Enforcement Certificate or the Advanced Corrections Certificate issued by the North Carolina Criminal Justice Education and Training Standards Commission under the authority granted in Chapter 17C of the General Statutes or the Advanced Law Enforcement Certificate issued by the North Carolina Sheriffs' Education and Training Standards Commission under the authority granted in Chapter 17E of the General Statutes may purchase up to a total of four years' creditable service at any time on or after receipt of the certificate. Purchases of service under this subsection shall not be subject to subsection (b) of this section. Purchases of service under this subsection shall not be associated with any specific compensation or period of time. The member shall purchase this service by making a lump sum amount payable to the Annuity Savings Fund equal to the full liability of the service credits calculated on the basis of the assumptions used for purposes of the actuarial valuation of the liabilities of the Retirement System. The calculation of the amount payable shall take into account the retirement allowance arising on account of the additional service credit commencing at the earliest age at which the member could retire on an unreduced retirement allowance, as determined by the Board of Trustees upon the advice of the consulting actuary, plus an administrative fee to be set by the Board of Trustees. Notwithstanding the foregoing provisions of this subsection that provide for the purchase of service credits, the terms "full cost" and "full liability" include assumed annual postretirement allowance increases, as determined by



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1 the Board of Trustees, from the earliest age at which a member could retire on an unreduced
2 service allowance."

3 **SECTION 2.** G.S. 128-26 is amended by adding a new subsection to read:

4 "(z) Credit at Full Cost for Law Enforcement Officers Holding an Advanced Law
5 Enforcement Certificate. – Notwithstanding any other provisions of this Chapter, a member who
6 has completed at least five years of membership service and who has been awarded the Advanced
7 Law Enforcement Certificate issued by the North Carolina Criminal Justice Education and
8 Training Standards Commission under the authority granted in Chapter 17C of the General
9 Statutes or the North Carolina Sheriffs' Education and Training Standards Commission under the
10 authority granted in Chapter 17E of the General Statutes may purchase up to a total of four years'
11 creditable service at any time on or after receipt of the Advanced Law Enforcement Certificate.
12 Purchases of service under this subsection shall not be subject to subsection (b) of this section.
13 The purchased service shall not be associated with any specific compensation or period of time.
14 The member shall purchase this service by making a lump sum amount payable to the Annuity
15 Savings Fund equal to the full liability of the service credits calculated on the basis of the
16 assumptions used for purposes of the actuarial valuation of the liabilities of the Retirement
17 System. The calculation of the amount payable shall take into account the retirement allowance
18 arising on account of the additional service credit commencing at the earliest age at which the
19 member could retire on an unreduced retirement allowance, as determined by the Board of
20 Trustees upon the advice of the consulting actuary, plus an administrative fee to be set by the
21 Board of Trustees. Notwithstanding the foregoing provisions of this subsection that provide for
22 the purchase of service credits, the terms "full cost" and "full liability" include assumed annual
23 postretirement allowance increases, as determined by the Board of Trustees, from the earliest age
24 at which a member could retire on an unreduced service allowance."

25 **SECTION 3.** This act becomes effective July 1, 2021.