

Assembly Bill No. 96

CHAPTER 871

An act to amend Sections 20420 and 20436 of, and to add Section 20432 to, the Government Code, relating to retirement.

[Approved by Governor September 28, 2000. Filed
with Secretary of State September 29, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

AB 96, Shelley. Retirement benefits.

Existing provisions of the Public Employees' Retirement Law define "local safety member," for purposes of prescribing benefits and contribution rates, to include, among others, county peace officers. County peace officers are defined as specified employees of a sheriff's office of a contracting agency. Existing law prohibits contracts or contract amendments from providing retirement benefits to some, but not all, members in specified local membership classifications, including county peace officers. Existing law also prohibits provision of different retirement benefits for any subgroup within those same membership classifications.

This bill would create a new local membership classification, designated "local sheriff," that would, subject to contract amendment, apply to specified employees of the sheriff's office in San Francisco County. The bill would provide that persons in the local sheriff classification would no longer be included in the county peace officer classification. The bill would also amend the definition of local safety members to include persons in the local sheriff classification.

The people of the State of California do enact as follows:

SECTION 1. Section 20420 of the Government Code is amended to read:

20420. "Local safety member" includes all local police officers, local sheriffs, firefighters, safety officers, county peace officers, and school safety members, employed by a contracting agency who have by contract been included within this system.

SEC. 2. Section 20432 is added to the Government Code, to read:

20432. (a) "Local sheriff" means any officer or employee of a sheriff's office of a contracting agency, except one whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise, and whose functions do not clearly come within the scope of active law enforcement service even though the employee is subject to occasional call, or is occasionally called upon, to perform duties within the scope of active law



enforcement service, but not excepting persons employed and qualifying as deputy sheriffs or equal or higher rank irrespective of the duties to which they are assigned.

(b) “Local sheriff” does not include persons employed to perform identification or communication duties other than persons in that employment on August 4, 1972, who elected within 90 days thereafter to be local safety members. A contracting agency may elect by amendment to its contract to include as “local sheriff” all persons who were employed to perform identification or communication duties on August 4, 1972, and who elect within 60 days of the effective date of the contract amendment to be local safety members. The election shall apply to the person’s past as well as future service in the employment held on the effective date but shall not apply to service following any subsequent acceptance of appointment to a position other than that held on the effective date. This subdivision shall not apply to persons employed and qualified as deputy sheriffs or equal or higher rank.

(c) Any officer or employee who is a local sheriff as defined in this section shall not be deemed to be a county peace officer, as defined in Section 20436, for any purpose under this part.

(d) This section shall only apply to a county of the sixth class as defined in Sections 28020 and 28027, as amended by Chapter 1204 of the Statutes of 1971.

(e) This section shall not apply to the employees of any contracting agency nor to any such agency unless and until the contracting agency elects to be subject to the provisions of this section by amendment to its contract with the board, made as provided in Section 20474 or by express provision in its contract with the board.

SEC. 3. Section 20436 of the Government Code is amended to read:

20436. “County peace officer” means the sheriff and any officer or employee of a sheriff’s office of a contracting agency, except one whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise, and whose functions do not clearly come within the scope of active law enforcement service even though the employee is subject to occasional call, or is occasionally called upon, to perform duties within the scope of active law enforcement service, but not excepting persons employed and qualifying as deputy sheriffs or equal or higher rank irrespective of the duties to which they are assigned. Any other provision in this part to the contrary notwithstanding, “county peace officers” shall also include and mean any inspector, investigator, detective, or person with a comparable title, in any district attorney’s office of a contracting agency whose principal duties are to investigate crime and criminal cases and who receives compensation for this service.



“County peace officer” does not include persons employed to perform identification or communication duties other than persons in that employment on August 4, 1972, who elected within 90 days thereafter to be local safety members. A contracting agency may elect by amendment to its contract to include as “county peace officer” all persons who were employed to perform identification or communication duties on August 4, 1972, and who elect within 60 days of the effective date of the contract amendment to be local safety members. The election shall apply to the person’s past as well as future service in the employment held on the effective date but shall not apply to service following any subsequent acceptance of appointment to a position other than that held on the effective date. This paragraph shall not apply to persons employed and qualified as deputy sheriffs or equal or higher rank.

“County peace officer” does not include any officer or employee who is a local sheriff, as defined in Section 20432.

