

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 508

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

RELATING TO PERSI; AMENDING SECTION 59-1303, IDAHO CODE, TO REVISE PROVISIONS REGARDING POLICE OFFICER MEMBER STATUS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 59-1303, Idaho Code, be, and the same is hereby amended to read as follows:

59-1303. POLICE OFFICER MEMBER STATUS. (1) As used in this chapter, each of the terms used in this section shall have the meaning given in this section unless a different meaning is clearly required by the context.

(2) Police officer membership status for retirement purposes may be fixed only by law pursuant to subsection (3) of this section. After July 1, 2024, police officer member status should only be considered for additional categories or classes of employees engaged in hazardous duty and engaged in jobs where the employee becomes superannuated due to the arduous physical requirements of the job. For the purposes of this section, "hazardous duty" means duties performed under circumstances that may result in serious injury or death and that involve physical hardship. Stress alone is not a sufficient hardship for police officer member status. For any legislative proposal or bill that would add additional classes of employees to subsection (3) of this section or that would otherwise increase police officer member status, the board shall provide a recommendation to any Idaho legislative committee considering such legislative proposal or bill.

(3) ~~Members~~ Only members holding or filling the following positions or offices are designated by law as having police officer member status for retirement purposes during the time of their appointment to that position or during their term of office:

(a) Idaho state police:

- (i) The director and deputy director of the Idaho state police;
- (ii) Commissioned and sworn troopers, specialists (detectives), and POST training coordinators;
- (iii) Commissioned and sworn personnel in a supervisory capacity as major, captain, lieutenant, or sergeant;
- (iv) The commissioned state brand inspector, deputy brand inspectors, and brand inspector supervisors; and
- (v) Emergency communications officers and supervisory emergency communications officers pursuant to section 19-5119, Idaho Code;

(b) County law enforcement:

- (i) County sheriffs;
- (ii) "Peace officers" and "county detention officers" as defined in chapter 51, title 19, Idaho Code;

- 1 (iii) Supervisory "peace officers" and "county detention offi-
 2 cers" as defined in chapter 51, title 19, Idaho Code;
 3 (iv) Juvenile detention officers and supervisory juvenile deten-
 4 tion officers;
 5 (v) Juvenile probation officers and supervisory juvenile proba-
 6 tion officers;
 7 (vi) Adult misdemeanor probation officers and supervisory adult
 8 misdemeanor probation officers; and
 9 (vii) Emergency communications officers and supervisory emer-
 10 gency communications officers pursuant to section 19-5119, Idaho
 11 Code;
- 12 (c) City law enforcement:
 13 (i) City police chiefs;
 14 (ii) "Peace officers" as defined in chapter 51, title 19, Idaho
 15 Code;
 16 (iii) Supervisory "peace officers" as defined in chapter 51, title
 17 19, Idaho Code; and
 18 (iv) Emergency communications officers and supervisory emergency
 19 communications officers pursuant to section 19-5119, Idaho Code;
- 20 (d) Conservation officers, the enforcement assistant chief, and en-
 21 forcement bureau chief of the department of fish and game;
- 22 (e) Department of correction:
 23 (i) The director and deputy director of the department of correc-
 24 tion, the division chief and deputy division chief for probation
 25 and parole, and the wardens and deputy wardens of institutions;
 26 (ii) Correctional officers, presentence investigators, cor-
 27 rectional officers in the supervisory capacity of lieutenant,
 28 sergeant, corporal, correctional specialist, correctional spe-
 29 cialist supervisor, and correctional managers;
 30 (iii) Probation and parole supervisors, probation and parole in-
 31 vestigators, and probation and parole officers; and
 32 (iv) Correctional peace officer training instructors;
- 33 (f) Employees of the adjutant general and military division of the
 34 state where military membership is a condition of employment;
- 35 (g) Magistrates of the district court; justices of the supreme court,
 36 judges of the court of appeals, and district judges who have made an
 37 election under section 1-2011, Idaho Code; and court employees desig-
 38 nated by court order to have primary responsibility for court security
 39 or transportation of prisoners;
- 40 (h) Employees whose primary function requires that they are certified
 41 by the Idaho department of health and welfare as an emergency medical
 42 technician-basic, an advanced emergency medical technician-ambulance,
 43 an emergency medical technician-intermediate, or an emergency medical
 44 technician-paramedic;
- 45 (i) Criminal investigators of the attorney general's office and crimi-
 46 nal investigators of a prosecuting attorney's office; and
- 47 (j) The director of security and the criminal investigators of the
 48 Idaho state lottery.
- 49 (4) On and after July 1, 1985, no active member shall be classified as a
 50 police officer for retirement purposes unless the employer shall have cer-

1 tified to the board, on a form provided by the board, that such member is
2 an employee whose primary position with the employer is one designated as
3 such within the meaning of this chapter, and the board shall have accepted
4 such certification. Acceptance by the board of an employer's certification
5 shall in no way limit the board's right to review and reclassify the position
6 for retirement purposes based ~~upon~~ on an audit or other relevant information
7 presented to the board. The board may carry out such acts as are necessary to
8 enforce the provisions of this chapter.

9 (5) A member classified as a police officer for retirement purposes
10 whose position is reclassified to that of a general member for retirement
11 purposes as a result of a determination that the position does not meet the
12 requirements of this chapter for police officer member status for retirement
13 purposes shall become a general member. Excess employer and employee con-
14 tributions shall be refunded to the employer by offsetting future contribu-
15 tions and the member's record shall be corrected. It shall be the employer's
16 responsibility to refund employee contributions directly to the employee.

17 SECTION 2. An emergency existing therefor, which emergency is hereby
18 declared to exist, this act shall be in full force and effect on and after
19 July 1, 2024.