LEGISLATURE OF THE STATE OF IDAHO
Sixty-sixth Legislature Second Regular Session - 2022

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 499

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT
RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO; AMENDING SECTION 59-1303, IDAHO CODE, TO PROVIDE FOR THE POLICE OFFICER MEMBER STATUS OF EMERGENCY COMMUNICATIONS OFFICERS AND TO MAKE A TECHNICAL CORRECTION; 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.
(3) 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; and
      (iv) The commissioned state brand inspector, deputy brand inspectors, and brand inspector supervisors; and
      (v) 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; and
      (iii) Supervisory "peace officers" and "county detention officers" as defined in chapter 51, title 19, Idaho Code; and
      (iv) Emergency communications officers pursuant to section 19-5119, Idaho Code;
   (c) City law enforcement:
      (i) City police chiefs;
      (ii) "Peace officers" as defined in chapter 51, title 19, Idaho Code; and
      (iii) Supervisory "peace officers" as defined in chapter 51, title 19, Idaho Code; and
(iv) Emergency communications officers pursuant to section 19-5119, Idaho Code;

(d) Conservation officers, the enforcement assistant chief, and enforcement bureau chief of the department of fish and game;

(e) Department of correction:
   (i) The director and deputy director of the department of correction, the division chief and deputy division chief for probation and parole, and the wardens and deputy wardens of institutions;
   (ii) Correctional officers, presentence investigators, correctional officers in the supervisory capacity of lieutenant, sergeant, corporal, correctional specialist, correctional specialist supervisor, and correctional managers;
   (iii) Probation and parole supervisors, probation and parole investigators, and probation and parole officers; and
   (iv) Correctional peace officer training instructors;

(f) Employees of the adjutant general and military division of the state where military membership is a condition of employment;

(g) Magistrates of the district court; justices of the supreme court, judges of the court of appeals, and district judges who have made an election under section 1-2011, Idaho Code; and court employees designated by court order to have primary responsibility for court security or transportation of prisoners;

(h) Employees whose primary function requires that they are certified by the Idaho department of health and welfare as an emergency medical technician-basic, an advanced emergency medical technician-ambulance, an emergency medical technician-intermediate, or an emergency medical technician-paramedic;

(i) Criminal investigators of the attorney general's office and criminal investigators of a prosecuting attorney's office;

(j) The director of security and the criminal investigators of the Idaho state lottery.

(4) On and after July 1, 1985, no active member shall be classified as a police officer for retirement purposes unless the employer shall have certified to the board, on a form provided by the board, that such member is an employee whose primary position with the employer is one designated as such within the meaning of this chapter, and the board shall have accepted such certification. Acceptance by the board of an employer's certification shall in no way limit the board's right to review and reclassify the position for retirement purposes based upon an audit or other relevant information presented to the board. The board may carry out such acts as are necessary to enforce the provisions of this chapter.

(5) A member classified as a police officer for retirement purposes whose position is reclassified to that of a general member for retirement purposes as a result of a determination that the position does not meet the requirements of this chapter for police officer member status for retirement purposes shall become a general member. Excess employer and employee contributions shall be refunded to the employer by offsetting future contributions and the member's record shall be corrected. It shall be the employer's responsibility to refund employee contributions directly to the employee.
SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.