

PUBLIC CHAPTER NO. 418**SENATE BILL NO. 2261****By Kyle, Lowe Finney, Marrero, Kurita****Substituted for: House Bill No. 2309****By Bass, Odom, Curt Cobb, Lynn, West**

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 36 and Title 68, Chapter 102, relative to commissioned instructors of the Tennessee Law Enforcement Training Academy.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 102, is amended by adding the following language as a new, appropriately designated section:

() "Member" means a member of the Tennessee Consolidated Retirement System.

SECTION 2. Tennessee Code Annotated, Title 68, Chapter 102, is amended by adding the following language as a new, appropriately designated section:

() Whenever a commissioned instructor employed at the Tennessee Law Enforcement Training Academy is injured in the line of duty and such injury disables the member from performing the member's regular duties, whether such disability is temporary or permanent, it is lawful for the Commissioner of Commerce and Insurance, in the commissioner's sound discretion and with the approval of the governor and the attorney general and reporter, to retain such injured disabled member of the department upon the regular payroll of the department until such member's claim for compensation for such disability is determined by the division of claims administration.

SECTION 3. Tennessee Code Annotated, Title 68, Chapter 102, is further amended by adding the following language as a new, appropriately designated section:

(a)(1) Any commissioned instructor employed at the Tennessee Law Enforcement Training Academy who retires after twenty-five (25) years of honorable service shall be issued by the department a retired commission card, which shall identify the member, the member's department and rank, and the fact that the member is retired.

(2) Cards issued under this provision shall bear the inscription in print of equal or larger size than the rest of the printing on such cards the words "Not a handgun permit."

(3) After twenty-five (25) years of honorable service by a commissioned member of the department, the department shall authorize

such member, upon retirement, to retain such member's service weapon in recognition of such member's many years of good and faithful public service.

(4) Nothing in this section shall be construed to require the department to purchase any additional service weapons.

(5) In the case of commissioned members who retire on disability retirement as provided in Title 8, Chapter 36, they may be issued retired commission cards and may be authorized to retain their service weapons.

(b) Any commissioned member, who retires after twenty-five (25) years of honorable service, shall be allowed to retain such member's badge in recognition of such member's many years of good and faithful service. The badge, however, shall be permanently marked to indicate the retired status of the member. This subsection (b) shall only apply to members retiring after July 1, 2008.

SECTION 4. Tennessee Code Annotated, Section 8-36-205(a)(1), is amended by deleting the subsection in its entirety and by substituting instead the following language:

Members who are employed as state police officers, wildlife officers or commissioned members of the Alcoholic Beverage Commission and who are engaged in law enforcement activities on a day-to-day basis, or who have been transferred from such activities to a supervisory or administrative position within the same department or agency for which they served as state police officers, wildlife officers or commissioned members of the Alcoholic Beverage Commission; provided, that the mandatory retirement of any such member does not violate the Age Discrimination in Employment Act. A mandatory age requirement shall also apply for commissioned instructors employed at the Tennessee Law Enforcement Training Academy and members who are employed with the Wildlife Resources Agency as commissioned wildlife area managers, commissioned wildlife lake managers, commissioned boating chiefs, commissioned boating assistant chiefs, commissioned wildlife safety officers, commissioned habitat biologists, commissioned enforcement chiefs or commissioned assistant enforcement chiefs; provided, that the mandatory retirement of any such member does not violate the Age Discrimination in Employment Act. In cases of doubt, the Tennessee Department of Personnel shall determine whether the member is employed in a position requiring the mandatory retirement of such member under the provisions of this subdivision (a)(1). In making any such determination, the department shall apply the applicable definitions contained in Chapters 34-37 of this title and in the Age Discrimination in Employment Act. Any member employed in a position requiring mandatory retirement under the provisions of this subsection (a) shall be retired on the first day of the month following the month in which the member attains sixty (60) years of age; and

SECTION 5. The provisions of this act shall be subject to funding being provided in the General Appropriations Act.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: June 4, 2007



RON RAMSEY
SPEAKER OF THE SENATE



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 11th day of June 2007



PHIL BREDESEN, GOVERNOR