

Sec. 145.33. (A) Except as provided in division (B); ~~or (C); or (D)~~ of this section, a member with at least five years of total service credit who has attained age sixty, or who has thirty years of total Ohio service credit, may apply for age and service retirement, which shall consist of:

(1) An annuity having a reserve equal to the amount of the member's accumulated contributions at that time;

(2) A pension equal to the annuity provided by division (A)(1) of this section;

(3) An additional pension, if the member can qualify for prior service, equal to forty dollars multiplied by the number of years, and fraction thereof, of such prior and military service credit;

(4) A basic annual pension equal to one hundred eighty dollars if the member has ten or more years of total service credit as of

October 1, 1956, except that the basic annual pension shall not exceed the sum of the annual benefits provided by divisions (A)(1), (2), and (3) of this section.

(5) When a member retires on age and service retirement, the member's total annual single lifetime allowance, including the allowances provided in divisions (A)(1), (2), (3), and (4) of this section, shall be not less than a base amount adjusted in accordance with division (A)(5) of this section and determined by multiplying the member's total service credit by the greater of the following:

(a) Eighty-six dollars;

(b) Two and two-tenths per cent of the member's final average salary for each of the first thirty years of service plus two and one-half per cent of the member's final average salary for each subsequent year of service.

The allowance shall be adjusted by the factors of attained age or years of service to provide the greater amount as determined by the following schedule:

Attained Birthday	or	Years of Total Service Credit	Percentage of Base Amount
58		25	75
59		26	80
60		27	85
61			88
		28	90
62			91
63			94
		29	95
64			97
65		30 or more	100

Members shall vest the right to a benefit in accordance with the following schedule, based on the member's attained age by September 1, 1976:

Attained Birthday	Percentage of Base Amount
66	102
67	104
68	106
69	108
70 or more	110

(6) The total annual single lifetime allowance that a member shall receive under division (A)(5) of this section shall not exceed the lesser of one hundred per cent of the member's final average salary or the limit established by section 415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended.

(B)(1) For the purposes of divisions (B) to ~~(F)~~(H) of this section, "total service credit as a PERS law enforcement officer" includes and "total service credit as a Hamilton county municipal court bailiff" include credit for military service to the extent permitted by division (F)(2) of this section and credit for service as a police officer or state highway patrol trooper to the extent permitted by division divisions (F)(3) and (4) of this section.

(2) A member who meets the conditions in division (B)(2)(a), (b), or (c), or (d) of this section may apply for an age and service retirement benefit under this division:

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(a) Except as provided in division (B)(2)(b) of this section, The member has attained age forty-eight and has at least twenty-five years of total service credit as a PERS law enforcement officer and has attained age fifty-two whose primary duties were to preserve the peace, protect life and property, and enforce the laws in the member's jurisdiction;

(b) Has The member has attained age fifty-two, and has at least twenty-five years of total service credit as a PERS law enforcement officer while serving as a sheriff, deputy sheriff, or township constable or police officer in a township police department or district and has attained age forty-eight, but the member's primary duties were other than to preserve the peace, protect life and property, and enforce the laws in the member's jurisdiction;

(c) The member has attained age fifty-two and has at least twenty-five years of total service as a Hamilton county municipal court bailiff;

(c) ~~Has~~ (d) The member has attained age sixty-two and has at least fifteen years of total service credit as a either of the following:

(i) A PERS law enforcement officer and has attained age sixty-two;

(ii) A Hamilton county municipal court bailiff.

(3) A benefit paid under division (B)(2) of this section shall consist of an annual single lifetime allowance equal to the sum of two and one-half per cent of the member's final average salary multiplied by the first twenty-five years of the member's total service plus two and one-tenth per cent of the member's final average salary multiplied by the number of years of the member's total service credit in excess of twenty-five years.

~~(C)~~(4) A member with at least fifteen years of total service credit as a PERS law enforcement officer or Hamilton county municipal court bailiff who voluntarily resigns or is discharged for any reason except death, dishonesty, cowardice, intemperate habits, or conviction of a felony may apply for an age and service retirement benefit, which shall consist of an annual single lifetime allowance equal to one and one-half per cent of the member's final average salary multiplied by the number of years of the member's total service credit. The allowance shall commence on the first day of the calendar month following the month in which the application is filed with the public employees retirement board on or after the attainment by the applicant of age fifty-two.

~~(D)~~(C)(1) A member with at least twenty-five years of total service credit as a law enforcement officer other than as a law

enforcement officer eligible for a benefit under division (B)(2)(b) of this section who would be eligible to retire under division (B)(2)(b) or (c) of this section had the member attained age fifty-two and who voluntarily resigns or is discharged for any reason except death, dishonesty, cowardice, intemperate habits, or conviction of a felony, on or after the date of attaining forty-eight years of age, but before the date of attaining fifty-two years of age, may elect to receive a reduced benefit as determined by the following schedule:

Attained Age	Reduced Benefit
48	75% of the benefit payable under division (B)(3) of this section
49	80% of the benefit payable under division (B)(3) of this section
50	86% of the benefit payable under division (B)(3) of this section
51	93% of the benefit payable under division (B)(3) of this section

(2) If a member elects to receive a reduced benefit after attaining age forty-eight the reduced benefit is payable from the later of the date of the member's most recent birthday or the date the member becomes eligible to receive the reduced benefit.

(3) Once a member elects to receive a reduced benefit determined by the schedule in division ~~(D)~~(C)(1) of this section and has received a payment, the member may not reelect to change that election.

(4) If a member who has resigned or been discharged has left on deposit the member's accumulated contributions in the employees' savings fund and has not elected to receive a reduced benefit determined by the schedule in division ~~(D)~~(C)(1) of this section, upon attaining fifty-two years of age, the member shall be entitled to receive a benefit computed and paid under division (B)(3) of this section.

~~(E)~~(D) A benefit paid under division (B); or (C); ~~or~~ ~~(D)~~ of this section shall not exceed the lesser of ninety per cent of the member's final average salary or the limit established by section 415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended.

~~(F)~~(E)(1) A member with service credit as a PERS law enforcement officer or a Hamilton county municipal court bailiff and other service credit under this chapter may elect one of the following:

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(a) To have all the member's service credit under this chapter, including credit for service as a PERS law enforcement officer or Hamilton county municipal court bailiff, used in calculating a retirement allowance under division (A) of this section if the member qualifies for an allowance under that division;

(b) If the member qualifies for an allowance under division (B)(2)(a) or (c); (C), ~~or (D)~~ of this section, to have the member's service credit as a PERS law enforcement officer or Hamilton county municipal court bailiff used in calculating a benefit under ~~that the appropriate~~ division and the member's credit for all service other than PERS law enforcement service or service as a Hamilton county municipal court bailiff under this chapter used in calculating a benefit consisting of a single life annuity having a reserve equal to the amount of the member's accumulated contributions and an equal amount of the employer's contributions;

~~(c) If the member qualifies for an allowance under division (B)(2)(b) of this section, to have the member's service credit as a law enforcement officer while serving as a sheriff, deputy sheriff, or township constable or police officer in a township police department or district used in calculating a benefit under division (B)(2)(b) of this section and the member's credit for all other service under this chapter used in calculating a benefit consisting of a single life annuity having a reserve equal to the amount of the member's accumulated contributions and an equal amount of the employer's contributions.~~

(2) Notwithstanding sections 145.01 and 145.30 of the Revised Code, no more than four years of military service credit granted under section 145.30 of the Revised Code and five years of military service credit purchased under section 145.301 or 145.302 of the Revised Code shall be used in calculating service as a PERS law enforcement officer or Hamilton county municipal court bailiff or the total service credit of that person.

(3) Only credit for the member's service as a PERS law enforcement officer or service credit obtained as a police officer or state highway patrol trooper shall be used in computing the benefits benefit of a member who qualifies for a benefit under division (B); ~~(C); (2)(a), (b), or (d)(ii) or (D)(4) or division (C)~~ of this section for the following:

(a) Any person who originally is commissioned and employed as a deputy sheriff by the sheriff of any county, or who originally is elected sheriff, on or after January 1, 1975;

(b) Any deputy sheriff who originally is employed as a criminal bailiff or court constable on or after April 16, 1993;

(c) Any person who originally is appointed as a township constable or police officer in a township police department or district on or after January 1, 1981;

(d) Any person who originally is employed as a county narcotics agent on or after September 26, 1984;

(e) Any person who originally is employed as an undercover drug agent as defined in section 109.79 of the Revised Code, department of public safety enforcement agent who prior to June 30, 1999, was a liquor control investigator, park officer, forest officer, wildlife officer, state watercraft officer, park district police officer, conservancy district officer, Ohio veterans' home police officer, special police officer for a mental health institution, special police officer for an institution for the mentally retarded and developmentally disabled, or municipal police officer on or after December 15, 1988;

(f) Any person who originally is employed as a state university law enforcement officer on or after November 6, 1996;

~~(g) Any person who originally is employed as a Hamilton county municipal court bailiff on or after November 6, 1996;~~

~~(h) Any person who is originally employed as a state university law enforcement officer by the university of Akron on or after September 16, 1998;~~

~~(i)(h) Any person who originally is employed as a preserve officer on or after March 18, 1999;~~

~~(j)(i) Any person who originally is employed as a natural resources law enforcement staff officer on or after March 18, 1999;~~

~~(k)(j) Any person who is originally employed as a department of public safety enforcement agent on or after June 30, 1999;~~

~~(l)(k) Any person who is originally employed as a house sergeant at arms or assistant house sergeant at arms on or after the effective date of this amendment September 5, 2001;~~

~~(l) Any person who is originally appointed as a regional transit authority police officer or state highway patrol police officer on or after the effective date of this amendment.~~

(4) Only credit for a member's service as a Hamilton county municipal court bailiff or service credit obtained as a PERS law enforcement officer, police officer, or state highway patrol trooper shall be used in computing the benefit of a member who qualifies for a benefit under division (B)(2)(c) or (d)(ii) or (4) or division (C) of this section for any person who originally is employed as a Hamilton county municipal court bailiff on or after November 6, 1996.

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(G) Retirement allowances determined under this section shall be paid as provided in section 145.46 of the Revised Code.

(H) For the purposes of this section, service prior to June 30, 1999, as a food stamp trafficking agent under former section 5502.14 of the Revised Code shall be considered service as a law enforcement officer.

SECTION 3. As used in this section, "regional transit authority police officer" and "state highway patrol police officer" have the same meanings as in section 145.01 of the Revised Code, as amended by this act.

Not later than ninety days after the effective date of this act, each regional transit authority police officer and state highway patrol police officer who is a member of the Public Employees Retirement System shall indicate to the system, on a form supplied by the system, a choice of whether to receive benefits under division (A) of section 145.33 of the Revised Code or under division (B) of that section.

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