

1 HB505
2 218981-1
3 By Representatives Jackson and Jones (S)
4 RFD: Ways and Means General Fund
5 First Read: 17-MAR-22

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8 SYNOPSIS: Under existing law, the Judicial Retirement
9 Fund does not permit unmarried justices or judges
10 to designate a beneficiary for the purpose of
11 receiving spousal benefits upon his or her death.

12 This bill would allow an unmarried justice
13 or judge, upon retirement, to designate a
14 beneficiary for the receipt of spousal benefits
15 upon his or her death.

16
17 A BILL
18 TO BE ENTITLED
19 AN ACT

20
21 To amend Section 12-18-10, Code of Alabama 1975,
22 relating to the Judicial Retirement Fund; to allow an
23 unmarried justice or judge, upon retirement, to designate a
24 beneficiary for the receipt of spousal benefits upon his or
25 her death; and to provide for the transfer of those benefits
26 to his or her spouse upon subsequent marriage.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 12-18-10 of the Code of Alabama
2 1975, is amended to read as follows:

3 "§12-18-10.

4 "(a) The retirement benefit payable to a justice of
5 the Supreme Court or judge of one of the courts of appeals
6 retiring pursuant to subdivision (2), (3), (4), or (5) of
7 subsection (a) of Section 12-18-6, shall be 75 percent of the
8 salary prescribed by law for the position from which he or she
9 retires, payable monthly for the rest of his or her life. ~~Such~~
10 The benefit, which shall continue to be 75 percent of his or
11 her salary prescribed by law for ~~such the~~ position and shall
12 change in amount as ~~such the~~ salary is ~~hereafter~~ increased or
13 decreased by law ~~and,~~ shall not be subject to writs of
14 attachment or garnishment.

15 "(b) The retirement benefit payable to a judge of a
16 circuit court retiring pursuant to subdivision (2), (3), (4),
17 or (5) of subsection (b) of Section 12-18-6, shall be 75
18 percent of the salary prescribed by law of the salary payable
19 from the State Treasury to circuit judges. ~~Such~~ The retirement
20 benefits, which shall be payable monthly for the life of the
21 beneficiary ~~and,~~ shall continue to be 75 percent of the salary
22 then prescribed by law for the respective position, and shall
23 change in amount as ~~such the~~ salary is ~~hereafter~~ increased or
24 decreased by law ~~and,~~ shall not be subject to writs of
25 attachment or garnishment.

26 "(c) (1) After the death of any married justice or
27 judge who had held office for a minimum of five years, his or

1 her spouse shall receive a yearly benefit equivalent to three
2 percent of the salary payable from the State Treasury
3 prescribed by law for his or her former position as either a
4 justice or judge, as the case may be, for each year of
5 service, not to exceed 30 percent of ~~such~~ the salary, payable
6 monthly for the remainder of ~~such~~ the spouse's life or until
7 his or her remarriage, and ~~such~~ the benefit shall change in
8 amount as ~~such~~ the salary is ~~hereafter~~ increased or decreased
9 by law.

10 "(2) Upon retirement, an unmarried justice or judge
11 may designate a beneficiary to receive the spousal benefit as
12 provided in subdivision (1). If the unmarried retired justice
13 or judge subsequently marries someone other than the
14 designated beneficiary, the spousal benefits provided to the
15 designated beneficiary shall transfer to the spouse.

16 "(d) Any justice or judge retiring pursuant to
17 subdivision (1) of subsection (a) or subdivision (1) of
18 subsection (b) of Section 12-8-6, who has served for 10 years,
19 shall be entitled to a disability benefit allowance payable
20 monthly from the Judicial Retirement Fund equal to 75 percent
21 of the salary payable from the State Treasury for the position
22 he or she held at the time he or she retires. If ~~such~~ the
23 disabled justice or judge has served less than 10 years, he or
24 she shall be entitled to receive a monthly disability benefit
25 that is equal to 25 percent of the salary payable from the
26 State Treasury for the position he or she held at the time he
27 or she retires plus 10 percent of ~~such~~ that salary for each

1 year of service in excess of five years; ~~provided, however,~~
2 ~~that in.~~ In no event shall ~~such~~ the justice or judge receive
3 less than 30 percent of the annual salary being paid to a
4 full-time justice or judge, as the case may be, from the State
5 Treasury.

6 "(e) (1) Every justice or judge who has retired
7 pursuant to this article ~~may~~, on the request of the Chief
8 Justice, the presiding judge of a court of appeals, or the
9 Governor, may be called to active duty status and, when
10 serving with the Supreme Court or courts of appeals, shall
11 perform ~~such~~ duties as may be prescribed by the Chief Justice
12 or the presiding judge of the court of appeals with which he
13 or she is serving and, when serving in a circuit court, shall
14 perform ~~such~~ duties as may be prescribed by the presiding
15 judge in the circuit. ~~Such~~ The retired justice or judge of a
16 court of appeals in ~~such~~ active service status shall receive
17 an additional sum during the term of ~~such~~ the service which,
18 when added to his or her retirement benefits, would amount to
19 ~~\$250.00~~ two hundred fifty dollars (\$250) per month less than
20 the monthly salary paid a justice or judge of the appellate
21 court from which he or she has retired. The salary paid a
22 retired circuit judge called to active service with the
23 Supreme Court or a court of appeals shall be the salary paid a
24 circuit judge in the circuit from which ~~said~~ the judge
25 retired. The salary paid a retired circuit judge called to
26 active service as a circuit judge shall be the salary paid a
27 regular judge in the circuit to which he or she is assigned or

1 in the circuit from which he or she retired, whichever is
2 greater. In no event, however, shall the total compensation
3 paid to a retired circuit judge on active status during any
4 calendar year exceed a sum which is ~~\$1,000.00~~ one thousand
5 dollars (\$1,000) less than the compensation received by a
6 regular judge in the circuit from which ~~such~~ the judge
7 retired.

8 "(2) Whenever a retired justice or judge of a court
9 of appeals is serving in a circuit court, he or she shall
10 receive compensation equal to that due the regular judge of
11 that circuit for the performance of ~~such~~ those duties, ~~such~~
12 the compensation to be paid in the same manner as the
13 compensation of the regular circuit judge is paid; and,
14 whenever a retired justice or a judge of a court of appeals is
15 serving as an active member on the Supreme Court or on one of
16 the courts of appeals, then he or she shall be entitled to
17 receive, during the time of ~~such~~ that service, compensation
18 equal to that due a regular justice or judge for the
19 performance of ~~such~~ those duties, ~~such~~ that compensation to be
20 paid in the same manner as the compensation of a regular
21 justice or judge is paid.

22 "(3) A retired justice or judge of one of the courts
23 of appeals or circuit judge, while serving with the Supreme
24 Court or one of the courts of appeals for reasons other than
25 the absence or disqualification of a justice or judge, shall
26 perform ~~such~~ duties as may be prescribed by the Chief Justice
27 when serving with the Supreme Court, or as prescribed by the

1 presiding judge of the court of appeals with which he or she
2 may be serving.

3 "(f) The Chief Justice, with the advice of the
4 Supreme Court, or the presiding judge of a court of appeals,
5 with the advice of the court over which he or she presides,
6 shall determine whether ~~such~~ the retired justice or judge is
7 satisfactorily performing his or her assigned duties. Upon
8 determination that ~~such~~ the retired justice or judge is not
9 satisfactorily performing ~~such~~ those duties, ~~such~~ the retired
10 justice or judge shall immediately be removed from active
11 status, and his or her additional active duty compensation
12 shall be stopped.

13 "(g) Except as provided in subsection (f) ~~of this~~
14 ~~section~~, a retired justice or judge shall hold office as ~~such~~
15 an additional or extra judge during good behavior and may be
16 removed only for causes specified in the constitution. ~~Such~~
17 The retired justices or judges ~~may~~, however, but subject to
18 the approval of the Chief Justice, may be transferred to
19 inactive status, upon request for ~~such~~ the transfer. Justices
20 or judges who revert to inactive status shall be entitled to
21 the same retirement benefits prescribed in subsections (a) and
22 (b) ~~of this section~~ for justices and judges who have retired.

23 "(h) Nothing contained in this section ~~or hereafter~~
24 shall limit the power and authority of the Chief Justice to
25 transfer a retired justice or judge from inactive status to
26 active status or from active status to inactive status as the
27 public interest in his or her judgment requires."

1 Section 2. This act shall become effective
2 immediately following its passage and approval by the
3 Governor, or its otherwise becoming law.