

HB312 ENROLLED



1 HB312
2 EJWJG29-3
3 By Representative Hill
4 RFD: Ways and Means General Fund
5 First Read: 22-Jan-26



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1 Enrolled, An Act,

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4 Relating to the District Attorneys' Plan for Retirement
5 under the Judicial Retirement Fund; to amend Sections
6 12-17-227.4 and 12-17-227.5, Code of Alabama 1975; to revise
7 the percentage of a member's average final compensation used
8 for determining a member's pension; and to revise the maximum
9 amount of a service retirement allowance and a disability
10 retirement allowance.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Sections 12-17-227.4 and 12-17-227.5 of the
13 Code of Alabama 1975, are amended to read as follows:

14 "§12-17-227.4

15 (a) Any member who withdraws from service upon or after
16 attainment of ~~age~~ 62 years of age may retire upon written
17 application to the Board of Control setting forth at what
18 time, not less than 30 days nor more than 90 days subsequent
19 to the execution and filing thereof, he or she desires to be
20 retired~~;~~, provided~~;~~, that any such member shall have completed
21 10 or more years of membership service in the District
22 Attorneys' Plan.

23 (b) Any member who has attained ~~age~~ 62 years of age and
24 has previously withdrawn from service may retire upon written
25 application to the Board of Control setting forth at what
26 time, not less than 30 days nor more than 90 days subsequent
27 to the execution and filing thereof, he or she desires to be
28 retired~~;~~, provided~~;~~, that any such member shall have completed



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29 10 or more years of membership service.

30 (c) Upon retirement from service, the member shall
31 receive a service retirement allowance which shall consist of
32 an annuity, which shall be the actuarial equivalent of the
33 member's accumulated contributions at the time of retirement,
34 and a pension, which when added to the member's annuity shall
35 be equal to ~~three percent (3%)~~ four percent of the member's
36 average final compensation multiplied by the member's number
37 of years of membership service. Notwithstanding the foregoing,
38 the service retirement allowance shall not exceed ~~eighty~~
39 ~~percent (80%)~~ 75 percent of the member's average final
40 compensation. The service retirement allowance of a member who
41 has attained 18 or more years of membership service shall be
42 75 percent of the member's average final compensation."

43 "§12-17-227.5

44 (a) Upon application of an active and contributing
45 member, any such member who has 10 or more years of membership
46 service who becomes disabled may be retired on a disability
47 retirement allowance by the Board of Control not less than 30
48 days nor more than 90 days next following the date of filing
49 of such application~~r,~~ provided that the medical board, after a
50 medical examination of such member, shall certify that such
51 individual is totally and permanently mentally or physically
52 incapacitated from regular and substantial gainful employment,
53 and that such member should be retired.

54 (b) Upon retirement for disability, the member shall
55 receive a service retirement allowance if he or she has
56 attained ~~age 62~~ years of age; otherwise, he or she shall



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57 receive a disability retirement allowance which shall consist
58 of an annuity, which shall be the actuarial equivalent of the
59 member's accumulated contributions at the time of retirement,
60 and a pension, which when added to the member's annuity shall
61 be equal to ~~three percent (3%)~~ four percent of the member's
62 average final compensation multiplied by the member's number
63 of years of membership service. Notwithstanding the foregoing,
64 the disability retirement allowance shall not exceed ~~eighty~~
65 ~~percent (80%)~~ 75 percent of the member's average final
66 compensation. The disability retirement allowance of a member
67 who has attained 18 or more years of membership service shall
68 be 75 percent of the member's average final compensation.

69 (c) Once each year during the first five years
70 following the retirement of a member on a disability
71 retirement allowance and once every three-year period
72 thereafter, the Board of Control may require any disability
73 beneficiary who has not yet attained ~~age 62~~ years of age to
74 undergo a medical examination, such examination to be made at
75 the place of residence of such beneficiary or other place
76 mutually agreed upon by a physician or physicians of or
77 designated by the medical board. Should any disability
78 beneficiary who has not yet attained ~~age 62~~ years of age
79 refuse to submit to such medical examination, his or her
80 retirement allowance may be discontinued until his or her
81 withdrawal of such refusal, and should his or her refusal
82 continue for one year, all his or her rights in and to his or
83 her pension may be revoked by the Board of Control. Should the
84 medical board report and certify to the Board of Control that



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85 a disability beneficiary has the capacity to engage in regular
86 and substantial gainful employment, the Board of Control shall
87 discontinue the beneficiary's retirement allowance until the
88 beneficiary is otherwise eligible for service retirement."

89 Section 2. This act shall become effective on October
90 1, 2026.



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 05-Mar-26, as amended.

John Treadwell
Clerk

Senate **01-Apr-26**

Passed