

HB312 INTRODUCED



1 HB312
2 I3RQDW6-1
3 By Representative Hill
4 RFD: Ways and Means General Fund
5 First Read: 22-Jan-26



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4 SYNOPSIS:

5 Pursuant to the District Attorneys' Plan for
6 Retirement under the Judicial Retirement Fund, a
7 service retirement allowance and a disability
8 retirement allowance are calculated by the use of a
9 formula and may not exceed 80 percent of the member's
10 average final compensation.

11 This bill would revise the definition of
12 "average final compensation" for purposes of the
13 District Attorneys' Plan.

14 This bill would revise the percentage of a
15 member's average final compensation used for
16 determining a member's pension and would decrease the
17 limitation on both the service retirement allowance and
18 disability retirement allowance permitted to 75 percent
19 of the member's average final compensation.

20 This bill would provide that the service
21 retirement allowance and disability retirement
22 allowance of a member who has attained 18 or more years
23 of membership service shall be 75 percent of the
24 member's average final compensation.

25 This bill would also revise the definition of
26 "average final compensation" for purposes of the
27 Judicial Retirement Fund.

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A BILL

31 TO BE ENTITLED

AN ACT

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34 Relating to the District Attorneys' Plan for Retirement
35 under the Judicial Retirement Fund; to amend Sections
36 12-17-227, 12-17-227.4, 12-17-227.5, and 12-18-150, Code of
37 Alabama 1975; to revise the definition of "average final
38 compensation" for purposes of the District Attorneys' Plan; to
39 revise the percentage of a member's average final compensation
40 used for determining a member's pension; to revise the maximum
41 amount of a service retirement allowance and a disability
42 retirement allowance; and to revise the definition of "average
43 final compensation" for purposes of the Judicial Retirement
44 Fund.

45 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

46 Section 1. Sections 12-17-227, 12-17-227.4,
47 12-17-227.5, and 12-18-150 of the Code of Alabama 1975, are
48 amended to read as follows:

49 "§12-17-227

50 When used in this division, the following terms ~~shall~~
51 have the following meanings, respectively, unless the context
52 clearly indicates otherwise:



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57 (2) ACTUARIAL EQUIVALENT. A benefit of equal value when
58 computed upon the basis of the mortality tables adopted by the
59 Board of Control and regular interest.

60 (3) ANNUITY. Payments for life derived from the
61 accumulated contributions of a member. All annuities shall be
62 payable in equal monthly installments.

63 (4) AVERAGE FINAL COMPENSATION. The average highest
64 annual compensation salary of a district attorney with respect
65 to which he or she had made contributions pursuant to Section
66 12-17-227.2 during the five years in his or her last 10 years
67 of membership service for which the average is highest or the
68 average annual compensation during his or her entire period of
69 membership service if less than five six years.

73 (6) BOARD OF CONTROL. The board provided for in Section
74 36-27-23 to administer the retirement system.

(9) FUND. The Judicial Retirement Fund provided for in Chapter 18 of this title.

83 (10) MEDICAL BOARD. The board of physicians provided
84 for in Section 36-27-23



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85 (11) MEMBER. Any district attorney included in
86 membership of the plan.

87 (12) MEMBERSHIP SERVICE. Service as a district attorney
88 on account of which contributions are made.

89 (13) PENSION. Payments for life derived from money
90 provided by the employer. All pensions shall be payable in
91 equal monthly installments.

92 (14) PLAN. The District Attorneys' Plan provided for in
93 Section 12-17-227.1.

(15) REGULAR INTEREST. Interest compounded annually at the rate determined by the Board of Control.

96 (16) RETIREMENT. Withdrawal from active service with a
97 retirement allowance or optional benefit in lieu thereof
98 granted under this division.

99 (17) RETIREMENT ALLOWANCE. The sum of the annuity and
100 the pension.

101 (18) RETIREMENT SYSTEM. The Employees' Retirement
102 System of Alabama as defined in Section 36-27-2.

103 (19) SUPERNUMERARY DISTRICT ATTORNEY. A supernumerary
104 district attorney who has elected to come under the provisions
105 and requirements of Division 2 of this article."

106 "§12-17-227.4

107 (a) Any member who withdraws from service upon or after
108 attainment of ~~age~~ 62 years of age may retire upon written
109 application to the Board of Control setting forth at what
110 time, not less than 30 days nor more than 90 days subsequent
111 to the execution and filing thereof, he or she desires to be
112 retired, provided that any such member shall have completed



113 10 or more years of membership service in the District
114 Attorneys' Plan.

115 (b) Any member who has attained~~age~~ 62 years of age and
116 has previously withdrawn from service may retire upon written
117 application to the Board of Control setting forth at what
118 time, not less than 30 days nor more than 90 days subsequent
119 to the execution and filing thereof, he or she desires to be
120 retired~~+~~ provided that any such member shall have completed
121 10 or more years of membership service.

122 (c) Upon retirement from service, the member shall
123 receive a service retirement allowance which shall consist of
124 an annuity, which shall be the actuarial equivalent of the
125 member's accumulated contributions at the time of retirement,
126 and a pension, which when added to the member's annuity shall
127 be equal to~~three percent (3%)~~ four percent of the member's
128 average final compensation multiplied by the member's number
129 of years of membership service. Notwithstanding the foregoing,
130 the service retirement allowance shall not exceed~~eighty~~
131 percent (80%) 75 percent of the member's average final
132 compensation. The service retirement allowance of a member who
133 has attained 18 or more years of membership service shall be
134 75 percent of the member's average final compensation."

135 "§12-17-227.5

136 (a) Upon application of an active and contributing
137 member, any such member who has 10 or more years of membership
138 service who becomes disabled may be retired on a disability
139 retirement allowance by the Board of Control not less than 30
140 days nor more than 90 days next following the date of filing



141 of such application~~+~~L provided that the medical board, after a
142 medical examination of such member, shall certify that such
143 individual is totally and permanently mentally or physically
144 incapacitated from regular and substantial gainful employmentL
145 and that such member should be retired.

146 (b) Upon retirement for disability, the member shall
147 receive a service retirement allowance if he or she has
148 attained~~age~~ 62 years of age; otherwise, he or she shall
149 receive a disability retirement allowance which shall consist
150 of an annuity, which shall be the actuarial equivalent of the
151 member's accumulated contributions at the time of retirement,
152 and a pension, which when added to the member's annuity shall
153 be equal to~~three percent (3%)~~ four percent of the member's
154 average final compensation multiplied by the member's number
155 of years of membership service. Notwithstanding the foregoing,
156 the disability retirement allowance shall not exceed~~eighty~~
157 percent (80%) 75 percent of the member's average final
158 compensation. The disability retirement allowance of a member
159 who has attained 18 or more years of membership service shall
160 be 75 percent of the member's average final compensation.

161 (c) Once each year during the first five years
162 following the retirement of a member on a disability
163 retirement allowance and once every three-year period
164 thereafter, the Board of Control may require any disability
165 beneficiary who has not yet attained~~age~~ 62 years of age to
166 undergo a medical examination, such examination to be made at
167 the place of residence of such beneficiary or other place
168 mutually agreed upon by a physician or physicians of or



169 designated by the medical board. Should any disability
170 beneficiary who has not yet attained ~~age~~ 62 years of age
171 refuse to submit to such medical examination, his or her
172 retirement allowance may be discontinued until his or her
173 withdrawal of such refusal, and should his or her refusal
174 continue for one year, all his or her rights in and to his or
175 her pension may be revoked by the Board of Control. Should the
176 medical board report and certify to the Board of Control that
177 a disability beneficiary has the capacity to engage in regular
178 and substantial gainful employment, the Board of Control shall
179 discontinue the beneficiary's retirement allowance until the
180 beneficiary is otherwise eligible for service retirement."

181 "§12-18-150

182 When used in this article, the following terms ~~shall~~
183 have the following meanings, respectively, unless the context
184 clearly indicates otherwise:

185 (1) ACCUMULATED CONTRIBUTIONS. The sum of all the
186 amounts deducted from the compensation of a member credited to
187 his or her individual account in the Judges' and Clerks' Plan,
188 together with regular interest thereon.

189 (2) ACTUARIAL EQUIVALENT. A benefit of equal value when
190 computed upon the basis of the mortality tables adopted by the
191 Board of Control and regular interest.

192 (3) ANNUITY. Payments for life derived from the
193 accumulated contributions of a member. All annuities shall be
194 payable in equal monthly installments.

195 (4) AVERAGE FINAL COMPENSATION. The ~~average~~ highest
196 annual ~~compensation~~ salary of a judge or clerk with respect to



197 which he or she had made contributions pursuant to Section
198 12-18-152 ~~during the five years in his or her last 10 years of~~
199 ~~membership service for which the average is highest or the~~
200 ~~average annual compensation~~ during his or her entire period of
201 membership service if less than ~~five~~ six years.

202 (5) BENEFICIARY. Any person in receipt of a pension, an
203 annuity, a retirement allowance, or other benefit as provided
204 by this article.

205 (6) BOARD OF CONTROL. The board provided for in Section
206 36-27-23 to administer the retirement system.

207 (7) EMPLOYER. The State of Alabama or any department,
208 agency, or local governing body by which a judge or clerk is
209 paid.

210 (8) FUND. The Judicial Retirement Fund provided for in
211 this chapter.

212 (9) JUDGE OR CLERK. Any justice of the Supreme Court,
213 judge of the Court of Civil Appeals, judge of the Court of
214 Criminal Appeals, circuit judge, district judge, judge of
215 ~~probate-judge~~, or circuit clerk who is not a member of the
216 Judicial Retirement Fund or Clerks' and Registers'
217 Supernumerary Fund on November 7, 2016, and who is first
218 elected or appointed to his or her position on or after
219 November 8, 2016. This shall not include any judge or clerk
220 who is a member of the Judicial Retirement Fund or Clerks' and
221 Registers' Supernumerary Fund prior to November 8, 2016,
222 regardless of when he or she is first appointed or elected to
223 his or her judicial or clerk position.

224 (10) MEDICAL BOARD. The board of physicians provided

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225 for in Section 36-27-23.

226 (11) MEMBER. Any judge or clerk included in membership
227 of the plan.

228 (12) MEMBERSHIP SERVICE. Service as a judge or clerk on
229 account of which contributions are made.

230 (13) PENSION. Payments for life derived from money
231 provided by the employer. All pensions shall be payable in
232 equal monthly installments.

233 (14) PLAN. The Judges' and Clerks' Plan provided for in
234 Section 12-18-151.

235 (15) REGULAR INTEREST. Interest compounded annually at
236 the rate determined by the Board of Control.

237 (16) RETIREMENT. Withdrawal from active service with a
238 retirement allowance or optional benefit in lieu thereof
239 granted under this article.

240 (17) RETIREMENT ALLOWANCE. The sum of the annuity and
241 the pension.

242 (18) RETIREMENT SYSTEM. The Employees' Retirement
243 System of Alabama as defined in Section 36-27-2."

244 Section 2. This act shall become effective on October
245 1, 2026.