

# HB589 INTRODUCED



1 HB589  
2 3PMHTZZ-1  
3 By Representative Simpson  
4 RFD: Ways and Means General Fund  
5 First Read: 10-Mar-26



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SYNOPSIS:

This bill would allow active and participating judges, clerks, and district attorneys to purchase withdrawn service from the District Attorneys Plan and the Judges' and Clerks' Plan in the same manner that members of the Employees' Retirement System and the Teachers' Retirement System are allowed under their plans.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the District Attorneys' Plan and the Judges' and Clerks' Plan; to amend Sections 12-17-227.3 and 12-18-153, Code of Alabama 1975; to allow members of those plans to purchase withdrawn service from those plans.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 12-17-227.3 and 12-18-153 of the Code of Alabama 1975, are amended to read as follows:

"§12-17-227.3

(a) Any active and contributing member of the District Attorneys' Plan who, not more than one year prior to becoming a member of the plan was a member of the Employees' Retirement



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29 System of Alabama or the Teachers' Retirement System of  
30 Alabama, may elect to transfer his or her membership service  
31 and accumulated contributions in the Employees' Retirement  
32 System or the Teachers' Retirement System to the District  
33 Attorneys' Plan.

34 (b) Any active and contributing member desiring to  
35 transfer any membership service and accumulated contributions  
36 under subsection (a) shall notify the Board of Control of the  
37 Employees' Retirement System of his or her election to  
38 transfer membership service and shall authorize the transfer  
39 of the amount of his or her accumulated contributions to his  
40 or her credit in the Employees' Retirement System or Teachers'  
41 Retirement System to his or her account in the District  
42 Attorneys' Plan.

43 (c) The Board of Control transferring the membership  
44 service and contributions shall thereupon certify to the Board  
45 of Control of the Employees' Retirement System and to the fund  
46 the amount of contributions and service creditable to the  
47 member at the time of separation from the transferring  
48 retirement system. The member shall be credited in the fund  
49 with the membership service and accumulated contributions so  
50 certified.

51 (d) Any active and contributing member of the District  
52 Attorneys' Plan who has previously withdrawn his or her funds  
53 from the Employees' Retirement System, the Teachers'  
54 Retirement System, the Judges' and Clerks' Plan, or the  
55 District Attorneys' Plan or whose account has been terminated  
56 due to five years absence shall have restored to him or her



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57 all creditable service; provided, that the judge or clerk  
58 shall complete two years of contributing membership service  
59 after becoming a member of The Judicial Retirement Fund and  
60 shall repay the amount previously returned to him or her,  
61 including compounded interest of eight percent to the date of  
62 repayment, to the treasurer of the retirement system prior to  
63 the date of retirement of the judge or clerk. Notwithstanding  
64 the foregoing, any member who elects to purchase credit for  
65 withdrawn service shall be eligible to purchase the credit  
66 only to the extent that the member does not have credit  
67 established with any other public retirement system for the  
68 same period of service. Should any member have established  
69 part credit with another public retirement system for any  
70 period of withdrawn service, then that member shall only be  
71 eligible to purchase that portion of the withdrawn service for  
72 which the member does not otherwise have credit. In  
73 determining credit with other public retirement systems,  
74 coverage under the federal Social Security program may not be  
75 considered.

76 ~~(d)~~ (e) Anything in this division to the contrary  
77 notwithstanding, in the application of the foregoing  
78 provisions of this section to a member whose membership  
79 service includes a period of service as a district attorney  
80 and a period of service in another employment classification,  
81 the benefit rates applicable to a district attorney shall  
82 apply to all membership service as a district attorney, and  
83 the benefit rates applicable to the member's other employment  
84 classification shall apply to membership service in such other



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85 classification. In all other respects, the pension under this  
86 section shall be determined on the basis of the member's  
87 employment classification at the time of his or her withdrawal  
88 from service."

89 "§12-18-153

90 (a) Any active and contributing member of the Judges'  
91 and Clerks' Plan who, not more than one year prior to becoming  
92 a member of the plan was a member of the Employees' Retirement  
93 System of Alabama or the Teachers' Retirement System of  
94 Alabama, may elect to transfer his or her membership service  
95 and accumulated contributions in the Employees' Retirement  
96 System or the Teachers' Retirement System to the Judges' and  
97 Clerks' Plan.

98 (b) Any active and contributing member desiring to  
99 transfer any membership service and accumulated contributions  
100 under subsection (a) shall notify the Board of Control of the  
101 Employees' Retirement System of his or her election to  
102 transfer membership service and shall authorize the transfer  
103 of the amount of his or her accumulated contributions to his  
104 or her credit in the Employees' Retirement System or Teachers'  
105 Retirement System to his or her account in the Judges' and  
106 Clerks' Plan.

107 (c) The Board of Control transferring the membership  
108 service and contributions shall thereupon certify to the Board  
109 of Control of the Employees' Retirement System and to the fund  
110 the amount of contributions and service creditable to the  
111 member at the time of separation from the transferring  
112 retirement system. The member shall be credited in the fund



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113 with the membership service and accumulated contributions so  
114 certified.

115 (d) Any active and contributing member of the Judges'  
116 and Clerks' Plan who has previously withdrawn his or her funds  
117 from the Employees' Retirement System, the Teachers'  
118 Retirement System, the Judges' and Clerks' Plan, or the  
119 District Attorneys' Plan or whose account has been terminated  
120 due to five years absence shall have restored to him or her  
121 all creditable service; provided, that the judge or clerk  
122 shall complete two years of contributing membership service  
123 after becoming a member of the Judicial Retirement Fund and  
124 shall repay the amount previously returned to him or her,  
125 including compounded interest of eight percent to the date of  
126 repayment, to the treasurer of the retirement system prior to  
127 the date of retirement of the judge or clerk. Notwithstanding  
128 the foregoing, any member who elects to purchase credit for  
129 withdrawn service shall be eligible to purchase the credit  
130 only to the extent that the member does not have credit  
131 established with any other public retirement system for the  
132 same period of service. Should any member have established  
133 part credit with another public retirement system for any  
134 period of withdrawn service, then the member shall only be  
135 eligible to purchase that portion of the withdrawn service for  
136 which the member does not otherwise have credit. In  
137 determining credit with other public retirement systems,  
138 coverage under the federal Social Security program may not be  
139 considered.

140 ~~(d)~~ (e) Anything in this article to the contrary



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141 notwithstanding, in the application of the foregoing  
142 provisions of this section to a member whose membership  
143 service includes a period of service as a judge or clerk and a  
144 period of service in another employment classification, the  
145 benefit rates applicable to a judge or clerk shall apply to  
146 all membership service as a judge or clerk, and the benefit  
147 rates applicable to the member's other employment  
148 classification shall apply to membership service in such other  
149 classification. In all other respects, the pension under this  
150 section shall be determined on the basis of the member's  
151 employment classification at the time of his or her withdrawal  
152 from service."

153           Section 2. This act shall become effective on October  
154 1, 2026.