

1 SB351
2 198883-3
3 By Senator Chambliss
4 RFD: Governmental Affairs
5 First Read: 30-APR-19

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8 SYNOPSIS: Under existing law, retired justices and
9 judges may be called to active duty status and are
10 compensated for their service.

11 This bill would revise the compensation
12 retired justices and judges receive for their
13 service.

14 This bill would also provide for technical
15 changes.

16
17 A BILL
18 TO BE ENTITLED
19 AN ACT

20
21 Related to retired justices and judges; to amend
22 Sections 12-18-10 and 12-18-61, Code of Alabama 1975, to
23 revise the compensation received by retired justices and
24 judges who are called to active duty; and to provide for
25 technical changes.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Sections 12-18-10 and 12-18-61, Code of
2 Alabama 1975, are 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 shall continue to be 75 percent of his or her
11 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), or
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 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 salary is hereafter increased or
24 decreased by law and shall not be subject to writs of
25 attachment or garnishment.

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

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

9 "(d) Any justice or judge retiring pursuant to
10 subdivision (1) of subsection (a) or subdivision (1) of
11 subsection (b) of Section 12-8-6 who has served for 10 years
12 shall be entitled to a disability benefit allowance payable
13 monthly from the Judicial Retirement Fund equal to 75 percent
14 of the salary payable from the State Treasury for the position
15 ~~he~~ held at the time he or she retires. If ~~such~~ the disabled
16 justice or judge has served less than 10 years, he or she
17 shall be entitled to receive a monthly disability benefit that
18 is equal to 25 percent of the salary payable from the State
19 Treasury for the position ~~he~~ held at the time he or she
20 retires plus 10 percent of ~~such~~ the salary for each year of
21 service in excess of five years; provided, however, that in no
22 event shall ~~such~~ a justice or judge receive less than 30
23 percent of the annual salary being paid to a full-time justice
24 or judge, ~~as the case may be~~, from the State Treasury.

25 "(e) (1) Every justice or judge who has retired
26 pursuant to this article may, on the request of the Chief
27 Justice, the presiding judge of a court of appeals or the

1 Governor, be called to temporary or full-time active duty
2 status. ~~and, when~~ When serving with the Supreme Court or
3 courts of appeals, he or she shall perform ~~such~~ the duties as
4 may be prescribed by the Chief Justice or the presiding judge
5 of the court of appeals ~~with which~~ where he or she is serving.
6 ~~and, when~~ When serving in a circuit court, he or she shall
7 perform ~~such~~ the duties as may be prescribed by the presiding
8 judge in the circuit.

9 " (2) Such A retired justice or judge of a court of
10 appeals ~~in such active service status~~ who is called to
11 temporary or full-time active duty status shall receive an
12 additional ~~sum~~ compensation during the term of ~~such~~ service
13 ~~which, when added to his retirement benefits, would amount to~~
14 ~~\$250.00 per month less than the monthly salary paid a justice~~
15 ~~or judge of the appellate court from which he has retired~~ in
16 an amount not to exceed 25 percent of the salary the judge was
17 making at the time of his or her retirement. ~~The salary paid a~~
18 ~~retired circuit judge called to active service with the~~
19 ~~Supreme Court or a court of appeals shall be the salary paid a~~
20 ~~circuit judge in the circuit from which said judge retired.~~
21 ~~The salary paid a retired circuit judge called to active~~
22 ~~service as a circuit judge shall be the salary paid a regular~~
23 ~~judge in the circuit to which he is assigned or in the circuit~~
24 ~~from which he retired, whichever is greater. In no event,~~
25 ~~however, shall the total compensation paid to a retired~~
26 ~~circuit judge on active status during any calendar year exceed~~
27 ~~a sum which is \$1,000.00 less than the compensation received~~

1 ~~by a regular judge in the circuit from which such judge~~
2 ~~retired.~~

3 "(3) A retired circuit judge who is called into
4 temporary or full-time active duty status shall receive
5 additional compensation during the term of service in an
6 amount not to exceed 25 percent of the salary the judge was
7 making at the time of his or her retirement.

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

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

1 ~~presiding judge of the court of appeals with which he may be~~
2 ~~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~~ a retired justice or judge is
7 satisfactorily performing ~~his~~ the assigned duties. Upon
8 determination that ~~such~~ the retired justice or judge is not
9 satisfactorily performing ~~such~~ the duties, ~~such~~ the retired
10 justice or judge shall immediately be removed from active
11 status, and ~~his~~ the additional active duty compensation shall
12 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 Any retired justices or judges may, ~~however, but subject to~~
18 ~~the approval of the Chief Justice,~~ be transferred to inactive
19 status, upon request for ~~such~~ the transfer, subject to the
20 approval of the Chief Justice. Justices or judges who revert
21 to inactive status shall be entitled to the same retirement
22 benefits prescribed in subsections (a) and (b) for justices
23 and judges who have retired.

24 "(h) Nothing contained in this section or hereafter
25 shall limit the power and authority of the Chief Justice to
26 transfer a retired justice or judge from inactive status to

1 active status or from active status to inactive status as the
2 public interest in his or her judgment requires.

3 "§12-18-61.

4 "(a) Any district judge who has retired pursuant to
5 this article may be called by the Chief Justice to temporary
6 or full-time active duty status in any court.

7 ~~"The salary paid a retired district judge called to~~
8 ~~active duty shall be the salary paid a district judge in the~~
9 ~~district from which said district judge retired or the salary~~
10 ~~paid a resident district court judge in the district to which~~
11 ~~the judge is assigned, whichever is greater. In no event,~~
12 ~~however, shall the total compensation paid to a retired~~
13 ~~district judge on active duty during any calendar year exceed~~
14 ~~a sum which is \$1,000.00 less than the compensation received~~
15 ~~by a regular judge in the district from which said judge is~~
16 ~~retired~~ (b) A retired judge who is called into temporary or
17 full-time active duty status shall receive additional
18 compensation, during the term of service, in an amount not to
19 exceed 25 percent of the salary the judge was making at the
20 time of his or her retirement.

21 ~~"Such active duty may be terminated by order of the~~
22 ~~Chief Justice at any time."~~

23 "(c) The Chief Justice, with the advice of the
24 Supreme Court, or the presiding judge of a court of appeals,
25 with the advice of the court over which he or she presides,
26 shall determine whether a retired judge is satisfactorily
27 performing the assigned duties. Upon determination that the

1 retired judge is not satisfactorily performing the duties, the
2 retired judge shall immediately be removed from active duty
3 status, and the additional active duty compensation shall
4 cease.

5 "(d) Except as provided in subsection (c), a retired
6 judge shall hold office as an additional or extra judge during
7 good behavior and may be removed only for causes specified in
8 the constitution. Any retired judges may be transferred to
9 inactive status, upon request for the transfer, subject to the
10 approval of the Chief Justice. Judges who revert to inactive
11 status shall be entitled to the same retirement benefits
12 prescribed pursuant to this chapter.

13 "(e) Nothing contained in this section shall limit
14 the power and authority of the Chief Justice to transfer a
15 retired judge from inactive status to active status or from
16 active status to inactive status as the public interest in his
17 or her judgment requires."

18 Section 2. This act shall become effective on the
19 first day of the third month following its passage and
20 approval by the Governor, or its otherwise becoming law.