

1 SB417
2 186435-2
3 By Senator Whatley
4 RFD: Judiciary
5 First Read: 04-MAY-17

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8 SYNOPSIS: Under existing law, a person who serves or
9 has served as a district attorney and meets certain
10 criteria may elect to become a supernumerary
11 district attorney.

12 This bill would further provide that a
13 person who serves or has served as a district
14 attorney and who meets alternative criteria may
15 elect to become a supernumerary district attorney.

16 This bill would also provide that upon the
17 death of a supernumerary district attorney while in
18 office, the remainder of his or salary for the
19 fiscal year shall be deposited into a special fund
20 of the Office of Prosecution Services to be used
21 for certain purposes.

22
23 A BILL
24 TO BE ENTITLED
25 AN ACT
26

1 Relating to the qualifications of supernumerary
2 district attorneys; to add Sections 12-17-213.1, 12-17-213.2,
3 and 12-17-217 to the Code of Alabama 1975, to further provide
4 a person who serves or has served as a district attorney with
5 alternative criteria to become a supernumerary district
6 attorney; and to provide that upon the death of a
7 supernumerary district attorney while in office, the remainder
8 of his or salary for the fiscal year shall be deposited into a
9 special fund of the Office of Prosecution Services to be used
10 for certain purposes.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Sections 12-17-213.1, 12-17-213.2, and
13 12-17-217 are added to the Code of Alabama 1975, to read as
14 follows:

15 §12-17-213.1.

16 (a) A person now serving or having formerly served
17 as a district attorney of a judicial circuit of Alabama for 25
18 or more years, upon reaching the age of 55 years, may elect to
19 become a supernumerary district attorney by filing a written
20 declaration to that effect with the Governor.

21 (b) Time served as a county solicitor or as a
22 full-time deputy or assistant district attorney shall be
23 counted as time served towards accumulating the required 25
24 years.

25 (c) A person may not elect to become a supernumerary
26 district attorney pursuant to this section unless he or she

1 has served not less than 12 years as district attorney of a
2 judicial circuit.

3 (d) This section shall only apply to a person who is
4 serving or has served as district attorney prior to November
5 8, 2016, and who did not elect to participate in the District
6 Attorneys' Plan for Retirement pursuant to Division 6,
7 commencing with Section 12-17-227, of this article.

8 §12-17-213.2.

9 (a) Any person now serving or having formerly served
10 as a district attorney of a judicial circuit of Alabama, who
11 has served for 22 or more years, at any age, may elect to
12 become a supernumerary district attorney by filing a written
13 declaration to that effect with the Governor.

14 (b) Time served as any of the following shall be
15 counted as time served towards accumulating the year
16 requirement of subsection (a):

17 (1) A judge of a court of record.

18 (2) A judge of a county court.

19 (3) A county solicitor.

20 (4) A county elected official.

21 (5) A full-time deputy or assistant district
22 attorney.

23 (c) A person may not elect to become a supernumerary
24 district attorney pursuant to this section unless he or she
25 has served not less than eight years as district attorney of a
26 judicial circuit.

1 (d) This section shall only apply to a person who is
2 serving or has served as district attorney prior to November
3 8, 2016, and who did not elect to participate in the District
4 Attorneys' Plan for Retirement pursuant to Division 6,
5 commencing with Section 12-17-227, of this article.

6 §12-17-217.

7 Upon the death of a supernumerary district attorney,
8 the remainder of his or her salary for the fiscal year shall
9 be deposited into a dedicated fund of the Office of
10 Prosecution Services, which shall be used and administered by
11 the Executive Committee of the Alabama District Attorneys
12 Association and the Executive Director of the Office of
13 Prosecution Services for extraordinary, emergency, and law
14 enforcement purposes. The unused balance of the fund shall
15 carry over each year.

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