

1 HB405
2 199148-1
3 By Representative Wood (R)
4 RFD: Ways and Means General Fund
5 First Read: 11-APR-19

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8 SYNOPSIS: Under existing law, to qualify for
9 supernumerary status as a district attorney, a
10 person must either be 60 years of age and have
11 served 18 years with a minimum of 10 years as a
12 district attorney of a judicial circuit or be any
13 age and have served 18 years with a minimum of 15
14 and one-half years as a district attorney of a
15 judicial circuit.

16 This bill removes the minimum years of
17 service requirements and age requirement to qualify
18 for supernumerary status.

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT

23
24 Relating to qualifications for supernumerary status;
25 to amend Section 12-17-213, Code of Alabama 1975, to remove
26 the minimum years of service and age requirement.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 12-17-213, Code of Alabama 1975,
2 is amended to read as follows:

3 "§12-17-213.

4 "(a) Any person now serving or having formerly
5 served as a district attorney of a judicial circuit of
6 Alabama, who has served for not less than 18 years, when he
7 has reached the age of 60 years, may elect to become a
8 supernumerary district attorney by filing a written
9 declaration to that effect with the Governor, and time served
10 as judge of a court of record, a county court, county
11 solicitor or any other countywide elected official, a
12 full-time deputy or assistant district attorney or as a duly
13 licensed attorney employed full time by the State of Alabama,
14 whether commissioned or appointed or as an elected
15 constitutional officer or other state official, shall be
16 counted as time served towards accumulating the above required
17 18 years; provided, that such district attorney shall have
18 served not less than 10 years as district attorney of a
19 judicial circuit.

20 "(b) Any district attorney of a judicial circuit who
21 has served 18 years as circuit district attorney may elect to
22 become a supernumerary district attorney by filing a written
23 declaration to that effect with the Governor, and only two and
24 one-half years served as judge of a court of record, a county
25 court, county solicitor, a full-time deputy or assistant
26 district attorney or as a duly licensed attorney employed full
27 time by the State of Alabama, whether commissioned or

1 appointed or as an elected constitutional officer or other
2 state official, may be counted as time served towards
3 accumulating the above required 18 years.

4 ~~"(c) This section shall not apply to any person who~~
5 ~~has previously become a supernumerary district attorney prior~~
6 ~~to October 10, 1975. On the effective date of this act, any~~
7 ~~person who was elected or appointed as a district attorney~~
8 ~~prior to November 8, 2016, and held office as a district~~
9 ~~attorney through or after January 1, 2019, may elect to become~~
10 ~~a supernumerary district attorney by filing a written~~
11 ~~declaration to that effect with the Governor. Any time served~~
12 ~~as a judge of a court of record, a full-time deputy or~~
13 ~~assistant district attorney, a duly licensed attorney employed~~
14 ~~full-time by the State of Alabama, or a district attorney,~~
15 ~~shall be counted as time served towards accumulating the above~~
16 ~~required 18 years."~~

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