

1 HB530
2 198883-6
3 By Representative Ledbetter
4 RFD: Judiciary
5 First Read: 30-APR-19

1 "(b) The retirement benefit payable to a judge of a
2 circuit court retiring pursuant to subdivision (2), (3), (4),
3 or (5) of subsection (b) of Section 12-18-6 shall be 75
4 percent of the salary prescribed by law of the salary payable
5 from the State Treasury to circuit judges. ~~Such~~ The retirement
6 benefits shall be payable monthly for the life of the
7 beneficiary and shall continue to be 75 percent of the salary
8 then prescribed by law for the respective position and shall
9 change in amount as such salary is hereafter increased or
10 decreased by law and shall not be subject to writs of
11 attachment or garnishment.

12 "(c) After the death of any justice or judge who ~~had~~
13 held office for a minimum of five years, his or her spouse
14 shall receive a yearly benefit equivalent to three percent of
15 the salary payable from the State Treasury prescribed by law
16 for his or her former position as either a justice or judge
17 ~~as the case may be~~, for each year of service, not to exceed 30
18 percent of ~~such~~ the salary, payable monthly for the remainder
19 of ~~such~~ the spouse's life or until his or her remarriage, and
20 ~~such~~ the benefit shall change in amount as ~~such~~ the salary is
21 hereafter increased or decreased by law.

22 "(d) Any justice or judge retiring pursuant to
23 subdivision (1) of subsection (a) or subdivision (1) of
24 subsection (b) of Section 12-8-6 who has served for 10 years
25 shall be entitled to a disability benefit allowance payable
26 monthly from the Judicial Retirement Fund equal to 75 percent
27 of the salary payable from the State Treasury for the position

1 ~~he~~ held at the time he or she retires. If ~~such the~~ disabled
2 justice or judge has served less than 10 years, he or she
3 shall be entitled to receive a monthly disability benefit that
4 is equal to 25 percent of the salary payable from the State
5 Treasury for the position ~~he~~ held at the time he or she
6 retires plus 10 percent of ~~such the~~ salary for each year of
7 service in excess of five years; provided, however, that in no
8 event shall ~~such a~~ justice or judge receive less than 30
9 percent of the annual salary being paid to a full-time justice
10 or judge, ~~as the case may be,~~ from the State Treasury.

11 "(e) (1) Every justice of the Supreme Court, judge of
12 a court of appeals, or judge of a circuit court who has
13 retired pursuant to this article or Article VII of this
14 chapter may, on the request of the Chief Justice, the
15 presiding judge of a court of appeals or the Governor, be
16 called to interim active duty status, if agreeable to the
17 retired judge. ~~and, when~~ When serving with the Supreme Court
18 or courts of appeals, he or she shall perform ~~such the~~ duties
19 as may be prescribed by the Chief Justice or the presiding
20 judge of the court of appeals ~~with which~~ where he or she is
21 serving. ~~and, when~~ When serving in a circuit court, he or she
22 shall perform ~~such the~~ duties as may be prescribed by the
23 presiding judge in the circuit.

24 "(2) ~~Such~~ A retired justice or judge of a court of
25 appeals ~~in such active service status~~ who is called to interim
26 active duty status shall receive ~~an~~ additional ~~sum~~
27 compensation during the term of ~~such service~~ ~~which, when added~~

1 ~~to his retirement benefits, would amount to \$250.00 per month~~
2 ~~less than the monthly salary paid a justice or judge of the~~
3 ~~appellate court from which he has retired in an amount not to~~
4 ~~exceed 25 percent of the salary the judge was making at the~~
5 ~~time of his or her retirement. The salary paid a retired~~
6 ~~circuit judge called to active service with the Supreme Court~~
7 ~~or a court of appeals shall be the salary paid a circuit judge~~
8 ~~in the circuit from which said judge retired. The salary paid~~
9 ~~a retired circuit judge called to active service as a circuit~~
10 ~~judge shall be the salary paid a regular judge in the circuit~~
11 ~~to which he is assigned or in the circuit from which he~~
12 ~~retired, whichever is greater. In no event, however, shall the~~
13 ~~total compensation paid to a retired circuit judge on active~~
14 ~~status during any calendar year exceed a sum which is~~
15 ~~\$1,000.00 less than the compensation received by a regular~~
16 ~~judge in the circuit from which such judge retired.~~

17 "(3) A retired circuit judge who is called to
18 interim active duty status shall receive additional
19 compensation during the term of service in an amount not to
20 exceed 25 percent of the salary the judge was making at the
21 time of his or her retirement, subject to available funding.

22 "(4) A retired circuit judge may only be called to
23 interim active duty when the presiding judge requests the
24 appointment of the interim judge, where the Chief Justice and
25 Administrative Office of Courts certify that the circuit where
26 the judge will serve is needed pursuant to the most recent
27 weighted caseload study, and the presiding circuit judge in

1 the circuit where the judge will serve concurs that the
2 circuit's caseload requires the service of the interim active
3 judge. Notwithstanding any other provision of law, in order
4 for the judge to continue in interim active duty status, the
5 certification required in this division must be made and
6 re-certified annually on the anniversary that the interim
7 judge is called into service.

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 or the presiding judge of the applicable circuit, with the
6 advice of the court over which he or she presides, shall
7 determine whether ~~such a~~ retired justice or judge is
8 satisfactorily performing ~~his~~ the assigned duties. Upon
9 determination that ~~such the~~ retired justice or judge is not
10 satisfactorily performing ~~such the~~ duties, ~~such the~~ retired
11 justice or judge shall immediately be removed from active
12 status, and ~~his~~ the additional active duty compensation shall
13 be stopped.

14 "(g) Except as provided in subdivision (e) (4) or
15 subsection (f) ~~of this section,~~ a retired justice or judge
16 shall hold office as ~~such an~~ additional or extra judge during
17 good behavior and may be removed only for causes specified in
18 the constitution. ~~Such Any~~ retired justices or judges may,
19 ~~however, but subject to the approval of the Chief Justice,~~ be
20 transferred to inactive status, upon request for ~~such the~~
21 transfer, ~~subject to the approval of the Chief Justice.~~
22 Justices or judges who revert to inactive status shall be
23 entitled to the same retirement benefits prescribed in
24 subsections (a) and (b) for justices and judges who have
25 retired.

26 "(h) Nothing contained in this section or hereafter
27 shall limit the power and authority of the Chief Justice to

1 transfer a retired justice or judge from inactive status to
2 active status or from active status to inactive status as the
3 public interest in his or her judgment requires.

4 "(i) The Administrative Office of Courts shall adopt
5 rules for nominations to the Chief Justice and duties assigned
6 to interim active duty status justices and judges.

7 "§12-18-61.

8 "(a) Any district judge who has retired pursuant to
9 this article or Article VII of this chapter may be called by
10 the Chief Justice to temporary interim active duty status in
11 any court, if agreeable to the retired judge.

12 ~~"The salary paid a retired district judge called to~~
13 ~~active duty shall be the salary paid a district judge in the~~
14 ~~district from which said district judge retired or the salary~~
15 ~~paid a resident district court judge in the district to which~~
16 ~~the judge is assigned, whichever is greater. In no event,~~
17 ~~however, shall the total compensation paid to a retired~~
18 ~~district judge on active duty during any calendar year exceed~~
19 ~~a sum which is \$1,000.00 less than the compensation received~~
20 ~~by a regular judge in the district from which said judge is~~
21 ~~retired~~

22 (b) (1) A retired judge who is called to interim
23 active duty status shall receive additional compensation,
24 during the term of service, in an amount not to exceed 25
25 percent of the salary the judge was making at the time of his
26 or her retirement, subject to available funding.

1 "(2) A retired district judge may only be called to
2 interim active duty when the presiding judge requests the
3 appointment of the interim judge, where the Chief Justice and
4 Administrative Office of Courts certify that the circuit where
5 the judge will serve is needed pursuant to the most recent
6 weighted caseload study, and the presiding circuit judge in
7 the circuit where the judge will serve concurs that the
8 circuit's caseload requires the service of the interim active
9 judge. Notwithstanding any other provision of law, in order
10 for the judge to continue in interim active duty status, the
11 certification required in this division must be made and
12 re-certified annually on the anniversary that the interim
13 judge is called into service.

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

16 "(c) The Chief Justice, with the advice of the
17 Supreme Court, or the presiding judge of a court of appeals,
18 or the presiding judge of the applicable circuit, with the
19 advice of the court over which he or she presides, shall
20 determine whether a retired judge is satisfactorily performing
21 the assigned duties. Upon determination that the retired judge
22 is not satisfactorily performing the duties, the retired judge
23 shall immediately be removed from active duty status, and the
24 additional active duty compensation shall cease.

25 "(d) Except as provided in subdivision (b) (2) or
26 subsection (c), a retired judge shall hold office as an
27 additional or extra judge during good behavior and may be

1 removed only for causes specified in the constitution. Any
2 retired judges may be transferred to inactive status, upon
3 request for the transfer, subject to the approval of the Chief
4 Justice. Judges who revert to inactive status shall be
5 entitled to the same retirement benefits prescribed pursuant
6 to this chapter.

7 ~~"(e) Nothing contained in this section shall limit~~
8 ~~the power and authority of the Chief Justice to transfer a~~
9 ~~retired judge from inactive status to active status or from~~
10 ~~active status to inactive status as the public interest in his~~
11 ~~or her judgment requires."~~

12 "(f) The Administrative Office of Courts shall adopt
13 rules for nominations to the Chief Justice and duties assigned
14 to interim active duty status justices and judges."

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

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Judiciary 30-APR-19

Read for the second time and placed
on the calendar 2 amendments 08-MAY-19

Read for the third time and passed
as amended..... 23-MAY-19

Yeas 85, Nays 12, Abstains 4

Jeff Woodard
Clerk