

1 HB530  
2 198883-4  
3 By Representative Ledbetter  
4 RFD: Judiciary  
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 (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 of the Supreme Court, judge of  
26 a court of appeals, or judge of a circuit court who has  
27 retired pursuant to this article or Article VII of this

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

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

1 ~~\$1,000.00 less than the compensation received by a regular~~  
2 ~~judge in the circuit from which such judge retired.~~

3 "(3) A retired circuit judge who is called to  
4 interim active duty status shall receive additional  
5 compensation during the term of service in an amount not to  
6 exceed 25 percent of the salary the judge was making at the  
7 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 or Article VII of this chapter may be called by  
6 the Chief Justice to ~~temporary~~ interim active duty status in  
7 any court.

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

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

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

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



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

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

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

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