

1 HB173  
2 209228-1  
3 By Representative Wood (R)  
4 RFD: Ways and Means General Fund  
5 First Read: 02-FEB-21  
6 PFD: 01/28/2021

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

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

A BILL  
TO BE ENTITLED  
AN ACT

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

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.~~

7 "(c) On the effective date of the act adding this  
8 amendatory language, any person who was elected or appointed  
9 as a district attorney prior to November 8, 2016, and held  
10 office as a district attorney through or after January 1,  
11 2019, may elect to become a supernumerary district attorney by  
12 filing a written declaration to that effect with the Governor.  
13 Prior time served as a judge of a court of record, a full-time  
14 deputy or assistant district attorney, a duly licensed  
15 attorney employed full time by the State of Alabama, or a  
16 district attorney, shall be counted as time served towards  
17 accumulating the 18 years required in this section."

18 Section 2. This act shall become effective October  
19 1, 2021, following its passage and approval by the Governor,  
20 or its otherwise becoming law.