

1 SB72
2 209228-2
3 By Senator Barfoot
4 RFD: Judiciary
5 First Read: 02-FEB-21
6 PFD: 01/26/2021

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to qualifications for supernumerary status;
12 to amend Section 12-17-213, Code of Alabama 1975, to remove
13 the minimum years of service and age requirement.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

17 "§12-17-213.

18 "(a) Any person now serving or having formerly
19 served as a district attorney of a judicial circuit of
20 Alabama, who has served for not less than 18 years, when he
21 has reached the age of 60 years, may elect to become a
22 supernumerary district attorney by filing a written
23 declaration to that effect with the Governor, and time served
24 as judge of a court of record, a county court, county
25 solicitor or any other countywide elected official, a
26 full-time deputy or assistant district attorney or as a duly
27 licensed attorney employed full time by the State of Alabama,

1 whether commissioned or appointed or as an elected
2 constitutional officer or other state official, shall be
3 counted as time served towards accumulating the above required
4 18 years; provided, that such district attorney shall have
5 served not less than 10 years as district attorney of a
6 judicial circuit.

7 "(b) Any district attorney of a judicial circuit who
8 has served 18 years as circuit district attorney may elect to
9 become a supernumerary district attorney by filing a written
10 declaration to that effect with the Governor, and only two and
11 one-half years served as judge of a court of record, a county
12 court, county solicitor, a full-time deputy or assistant
13 district attorney or as a duly licensed attorney employed full
14 time by the State of Alabama, whether commissioned or
15 appointed or as an elected constitutional officer or other
16 state official, may be counted as time served towards
17 accumulating the above required 18 years.

18 ~~"(c) This section shall not apply to any person who~~
19 ~~has previously become a supernumerary district attorney prior~~
20 ~~to October 10, 1975.~~

21 "(c) On the effective date of the act adding this
22 amendatory language, any person who was elected or appointed
23 as a district attorney prior to November 8, 2016, and held
24 office as a district attorney through or after January 1,
25 2019, may elect to become a supernumerary district attorney by
26 filing a written declaration to that effect with the Governor.
27 Prior time served as a judge of a court of record, a full-time

1 deputy or assistant district attorney, a duly licensed
2 attorney employed full time by the State of Alabama, or a
3 district attorney, shall be counted as time served towards
4 accumulating the 18 years required in this section."

5 Section 2. Any district attorney who, on or after
6 October 1, 2021, qualifies under Division 2, commencing with
7 Section 12-17-210, of Article 6 of Chapter 17 of Title 12,
8 Code of Alabama 1975, to receive a salary pursuant to Section
9 12-17-215, Code of Alabama 1975, and also qualifies to receive
10 a pension under any of the Retirement Systems of Alabama,
11 shall elect, at the time of separation from state service, to
12 receive either a salary under Section 12-17-215, Code of
13 Alabama 1975, or a pension, but not both, by filing a written
14 declaration with the Governor and the applicable retirement
15 system. This section shall not prohibit survivor benefits that
16 may be available under any of the Retirement Systems of
17 Alabama.

18 Section 3. A supernumerary district attorney who is
19 receiving a salary pursuant to Section 12-17-25, Code of
20 Alabama 1975, may also be employed by, or perform duties in
21 any capacity, including as an independent contractor for, any
22 employer participating in the Employees' Retirement System;
23 provided, however, the supernumerary district attorney's
24 compensation from the employer in a calendar year may not
25 exceed the salary limitation described and calculated pursuant
26 to subsection (a) of Section 36-27-8.2, Code of Alabama 1975.

1 Section 4. This act shall become effective October
2 1, 2021, following its passage and approval by the Governor,
3 or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Judiciary..... 02-FEB-21

Read for the second time and placed on the calen-
dar..... 10-FEB-21

Read for the third time and passed as amended 16-MAR-21

Yeas 27
Nays 1

Patrick Harris,
Secretary.