

HB472 INTRODUCED



1 HB472
2 T4I3911-1
3 By Representative Pringle
4 RFD: Ways and Means General Fund
5 First Read: 18-Apr-24



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SYNOPSIS:

This bill would provide further for the calculating of retirement benefits for an assistant district attorney who has participated in more than one retirement plan.

This bill would provide that all full-time prosecuting attorneys and full-time investigators who are Tier II members shall receive the same retirement benefits provided to Tier I plan members during that employment.

This bill would provide that a retired district attorney, retired assistant district attorney, or retired deputy district attorney may return to work part time and under certain conditions without the loss of retirement benefits.

This bill would also establish the Rural Initiative for Assistant District Attorney Recruitment and Retention, to provide for the award of incentive time for any full-time assistant district attorney, deputy district attorney, chief investigator, or district attorney investigator who serves in a rural judicial circuit and participates in the Employees' Retirement System.



HB472 INTRODUCED

29 A BILL
30 TO BE ENTITLED
31 AN ACT

32
33 Relating to district attorneys; to amend Section
34 12-17-213, Code of Alabama 1975, to provide further for the
35 calculating of retirement benefits for an assistant district
36 attorney who has participated in more than one retirement
37 plan; to add Sections 36-27-6.6 and 36-27-8.3 to the Code of
38 Alabama 1975, to provide that all full-time prosecuting
39 attorneys and full-time investigators who are Tier II members
40 shall receive the same retirement benefits provided to Tier I
41 plan members during that employment; to provide that a retired
42 district attorney, retired assistant district attorney, or
43 retired deputy district attorney may return to work part time
44 and under certain conditions without the loss of benefits; and
45 to establish the Rural Initiative for Assistant District
46 Attorney Recruitment and Retention to provide for the award of
47 incentive time for any full-time assistant district attorney,
48 deputy district attorney, chief investigator, or district
49 attorney investigator who serves in a rural judicial circuit
50 and participates in the Employees' Retirement System.

51 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

52 Section 1. Section 12-17-213 of the Code of Alabama
53 1975, is amended to read as follows:

54 "§12-17-213

55 (a) Any person now serving or having formerly served as
56 a district attorney of a judicial circuit of Alabama, who has



HB472 INTRODUCED

57 served for not less than 18 years, when he or she has reached
58 the age of 60 years, may elect to become a supernumerary
59 district attorney by filing a written declaration to that
60 effect with the Governor, and time served as judge of a court
61 of record, a county court, county solicitor or any other
62 countywide elected official, a full-time deputy or assistant
63 district attorney, or as a duly licensed attorney employed
64 full time by the State of Alabama, whether commissioned or
65 appointed, or as an elected constitutional officer or other
66 state official, shall be counted as time served towards
67 accumulating the above required 18 years; provided, that such
68 district attorney shall have served not less than 10 years as
69 district attorney of a judicial circuit.

70 (b) Any district attorney of a judicial circuit who has
71 served 18 years as circuit district attorney may elect to
72 become a supernumerary district attorney by filing a written
73 declaration to that effect with the Governor, and only two and
74 one-half years served as judge of a court of record, a county
75 court, county solicitor, a full-time deputy or assistant
76 district attorney, or as a duly licensed attorney employed
77 full time by the State of Alabama, whether commissioned or
78 appointed, or as an elected constitutional officer or other
79 state official, may be counted as time served towards
80 accumulating the above required 18 years.

81 (c) On October 1, 2021, any person who was elected or
82 appointed as a district attorney prior to November 8, 2016,
83 and held office as a district attorney through or after
84 January 1, 2019, may elect to become a supernumerary district



HB472 INTRODUCED

85 attorney by filing a written declaration to that effect with
86 the Governor. Prior time served as a judge of a court of
87 record, a full-time deputy or assistant district attorney, a
88 duly licensed attorney employed full time by the State of
89 Alabama, or a district attorney, shall be counted as time
90 served towards accumulating the 18 years required in this
91 section.

92 (d) (1) Any district attorney who, on or after October
93 1, 2021, qualifies under Division 2, commencing with Section
94 12-17-210, of Article 6 of this chapter, to receive a salary
95 pursuant to Section 12-17-215 and also qualifies to receive a
96 pension under any of the Retirement Systems of Alabama, shall
97 elect, at the time of separation from state service, to
98 receive either a salary under Section 12-17-215 or a pension,
99 but not both, by filing a written declaration with the
100 Governor and the applicable retirement system. This subsection
101 shall not prohibit survivor benefits that may be available
102 under any of the Retirement Systems of Alabama.

103 (2) Notwithstanding subdivision (1), any time
104 accumulated or credited as an assistant district attorney for
105 purposes of calculating or receiving retirement benefits
106 cannot be withheld merely because of participation in another
107 retirement plan, so long as the accumulated time or credit, or
108 any part of the accumulated time or credit, does not need to
109 be used to calculate another retirement plan or benefit.

110 (e) A supernumerary district attorney who is receiving
111 a salary pursuant to Section 12-17-215 may also be employed
112 by, or perform duties in any capacity, including as an



HB472 INTRODUCED

113 independent contractor for^r any employer participating in the
114 Employees' Retirement System; provided, however, the
115 supernumerary district attorney's compensation from the
116 employer in a calendar year may not exceed the salary
117 limitation described and calculated pursuant to subsection (a)
118 of Section 36-27-8.2."

119 Section 2. Sections 36-27-6.6 and 36-27-8.3 are added
120 to the Code of Alabama 1975, to read as follows:

121 §36-27-6.6

122 (a) All full-time prosecuting attorneys and full-time
123 investigators who are Tier II members and are employed by a
124 district attorney's office shall receive the same retirement
125 benefits provided to Tier I plan members during their
126 employment with the district attorney's office.

127 (b) The Tier II plan members receiving the same
128 retirement benefits provided to Tier I plan members pursuant
129 to subsection (a) shall contribute to the Employees'
130 Retirement System seven and one-half percent of their earnable
131 compensation.

132 (c) In the application of Sections 36-27-16 and
133 16-25-14 to a member whose creditable service includes periods
134 of service to different tier plans, the benefit rates of each
135 respective tier plan will be applicable to the creditable
136 service earned while in each respective tier plan. In all
137 other respects, the pension under this section shall be
138 determined on the basis of the member's tier plan at the time
139 of his or her withdrawal from service.

140 §36-27-8.3



HB472 INTRODUCED

141 (a) Notwithstanding any other provision of law to the
142 contrary, any individual who is a retired district attorney
143 under the Judicial Retirement Fund, or a retired assistant
144 district attorney or retired deputy district attorney under
145 the Employees' Retirement System, upon the request of a
146 district attorney, may undertake any duty or perform any
147 function presently or hereafter assigned by law to any
148 district attorney in this state, without suspension of his or
149 her retirement allowance, provided that both: (i) the retired
150 district attorney, retired assistant district attorney, or
151 retired deputy district attorney is not employed in a
152 permanent full-time capacity; and (ii) the compensation earned
153 by the retired district attorney, retired assistant district
154 attorney, or retired deputy district attorney does not exceed
155 fifty thousand dollars (\$50,000) per year and is paid from the
156 district attorney's fund for the office in which the services
157 are provided.

158 (b) Beginning January 1, 2025, and each calendar year
159 thereafter, the annual earning limit provided in subsection
160 (a) shall be increased by the same percentage increase as the
161 increase in the Consumer Price Index for all urban consumers
162 as published by the U.S. Department of Labor, Bureau of Labor
163 Statistics. Any increase in the annual earning limit shall be
164 rounded to the next lowest multiple of one thousand dollars
165 (\$1,000) with any amount in excess of the one thousand-dollar
166 (\$1,000) multiple considered in determining the increase for
167 the following year. Each adjustment shall be based on the
168 increase in the index for the preceding 12-month period ending



HB472 INTRODUCED

169 on September 30 and the increase shall be effective for the
170 following calendar year.

171 Section 3. (a) This section shall be known and may be
172 cited as the Rural Initiative for Assistant District Attorney
173 Recruitment and Retention.

174 (b) For the purposes of this section, the following
175 terms have the following meanings:

176 (1) ASSISTANT DISTRICT ATTORNEY. A full-time assistant
177 district attorney, deputy district attorney, chief
178 investigator, or district attorney investigator who is
179 employed by this state in the office of a district attorney.

180 (2) RURAL INCENTIVE TIME. One additional year of
181 creditable service for each five-year consecutive period
182 served in a rural judicial circuit. For the purposes of
183 calculating rural incentive time, only creditable service in a
184 rural judicial circuit qualifies and no creditable service
185 time from a non-rural judicial circuit shall qualify.

186 (3) RURAL JUDICIAL CIRCUIT. All judicial circuits
187 located in this state, excluding the 6th Judicial Circuit,
188 10th Judicial Circuit, 13th Judicial Circuit, 15th Judicial
189 Circuit, 18th Judicial Circuit, 23rd Judicial Circuit, and
190 28th Judicial Circuit.

191 (c) Any assistant district attorney who, commencing on
192 October 1, 2024, is employed in a rural judicial circuit and
193 is participating in the Employees' Retirement System, upon
194 attainment of the requisite years of creditable service in any
195 rural judicial circuit or who otherwise qualifies for service
196 or disability retirement in any rural judicial circuit, shall



HB472 INTRODUCED

197 be awarded one year of rural incentive time for every five
198 years of service as an assistant district attorney.

199 Section 4. This act shall become effective on October
200 1, 2024.