

HB542 ENROLLED



1 HB542
2 XDFPU77-3
3 By Representatives Shaver, Reynolds, Whitt
4 RFD: Ways and Means General Fund
5 First Read: 08-Apr-25



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1 Enrolled, An Act,

2
3 Relating to retirement benefits; to amend Sections
4 12-17-213 and 12-17-227.11, Code of Alabama 1975, to authorize
5 qualifying district attorneys to participate in both the
6 supernumerary district attorney program and the Employees'
7 Retirement System; and to make nonsubstantive, technical
8 revisions to update the existing code language to current
9 style.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Sections 12-17-227.11 and 12-17-213, Code of
12 Alabama 1975, are amended to read as follows:

13 "§12-17-227.11

14 (a) A person serving as district attorney,
15 supernumerary district attorney, or who has made an election
16 to assume the office of supernumerary district attorney or is
17 otherwise entitled to participate in the supernumerary
18 district attorney program established under Division 2 of this
19 article shall, subject to subsection (c), continue to serve or
20 participate in the supernumerary district attorney program,
21 which shall include the assumption of the office of the
22 supernumerary district attorney after November 8, 2016,
23 according to the terms and conditions of Division 2 of this
24 article, notwithstanding the fact that the person may be
25 re-elected after November 8, 2016, to the office he or she is
26 holding on November 8, 2016.

27 (b) (1) No person may participate in both the
28 supernumerary district attorney program and the Employees'



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Retirement System based on the same service.

(2) A person who independently qualifies for the supernumerary district attorney program and the Employees' Retirement System based on separate years of service may participate in both programs.

(c) A district attorney who was elected prior to November 8, 2016, and who is serving in the capacity of district attorney on and after November 8, 2016, and had prior service credit in the Employees' Retirement System, Teachers' Retirement System, or Judicial Retirement Fund prior to being elected district attorney shall have 30 days from November 8, 2016, to elect to participate in the District Attorneys' Plan established by this division. This election shall be irrevocable.

(d) An assistant or deputy district attorney who obtains service credit in that position as a Tier-~~1~~I plan member and is elected or appointed district attorney on or after November 8, 2016, may withdraw from service after completion of not less than 25 years of ~~credible~~ creditable service and may retire without a reduction in retirement allowance upon written application to the Board of Control setting forth at what time, not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he or she desires to be retired."

"§12-17-213

(a) Any person now serving or having formerly served as a district attorney of a judicial circuit of Alabama, who has served for not less than 18 years, when he or she has reached



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the age of 60 years, may elect to become a supernumerary district attorney by filing a written declaration to that effect with the Governor, and time served as judge of a court of record, a county court, county solicitor or any other countywide elected official, a full-time deputy or assistant district attorney, or as a duly licensed attorney employed full time by the State of Alabama, whether commissioned or appointed, or as an elected constitutional officer or other state official, shall be counted as time served ~~towards~~ toward accumulating the above required 18 years; provided, that such district attorney shall have served not less than 10 years as district attorney of a judicial circuit.

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

(c) On October 1, 2021, any person who was elected or appointed as a district attorney prior to November 8, 2016, and held office as a district attorney through or after January 1, 2019, may elect to become a supernumerary district attorney by filing a written declaration to that effect with



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

91 (d) ~~Any~~ Notwithstanding Section 36-27-16, any district
92 attorney who, ~~on or after October 1, 2021,~~ qualifies under
93 Division 2, commencing with Section 12-17-210, ~~of~~ Article 6 of
94 this chapter, to receive a salary pursuant to Section
95 12-17-215 and also qualifies to receive a pension under any of
96 the Retirement Systems of Alabama, ~~shall elect,~~ at the time of
97 separation from state service, ~~to may receive either~~ a salary
98 under Section 12-17-215 ~~or and~~ a pension, ~~but not both,~~ by
99 filing a written declaration with the Governor and the
100 applicable retirement system, provided that applicable time
101 and credit are based on separate years of service. This
102 subsection shall not prohibit survivor benefits that may be
103 available under any of the Retirement Systems of Alabama.

104 (e) A supernumerary district attorney who is receiving
105 a salary pursuant to Section 12-17-215 may also be employed
106 by, or perform duties in any capacity, including as an
107 independent contractor for, any employer participating in the
108 Employees' Retirement System; provided, however, the
109 supernumerary district attorney's compensation from the
110 employer in a calendar year may not exceed the salary
111 limitation described and calculated pursuant to ~~subsection (a)~~
112 ~~of Section 36-27-8.2~~ 36-27-8.2(a)."



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113 Section 2. This act shall become effective on July 1,
114 2025.



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and
was passed by the House 22-Apr-25.

John Treadwell
Clerk

Senate

06-May-25

Passed