



**House Ways and Means General Fund Reported  
Substitute for HB589**

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A BILL  
TO BE ENTITLED  
AN ACT

Relating to the District Attorneys' Plan and the Judges' and Clerks' Plan; to amend Sections 12-17-227.3 and 12-18-153, Code of Alabama 1975; to allow members of those plans to purchase withdrawn service from those plans.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 12-17-227.3 and 12-18-153 of the Code of Alabama 1975, are amended to read as follows:

"§12-17-227.3

(a) Any active and contributing member of the District Attorneys' Plan who, not more than one year prior to becoming a member of the plan was a member of the Employees' Retirement System of Alabama or the Teachers' Retirement System of Alabama, may elect to transfer his or her membership service and accumulated contributions in the Employees' Retirement System or the Teachers' Retirement System to the District Attorneys' Plan.

(b) Any active and contributing member desiring to transfer any membership service and accumulated contributions under subsection (a) shall notify the Board of Control of the Employees' Retirement System of his or her election to



**House Ways and Means General Fund Reported  
Substitute for HB589**

29 transfer membership service and shall authorize the transfer  
30 of the amount of his or her accumulated contributions to his  
31 or her credit in the Employees' Retirement System or Teachers'  
32 Retirement System to his or her account in the District  
33 Attorneys' Plan.

34 (c) The Board of Control transferring the membership  
35 service and contributions shall thereupon certify to the Board  
36 of Control of the Employees' Retirement System and to the fund  
37 the amount of contributions and service creditable to the  
38 member at the time of separation from the transferring  
39 retirement system. The member shall be credited in the fund  
40 with the membership service and accumulated contributions so  
41 certified.

42 (d) Any active and contributing member of the District  
43 Attorneys' Plan who has previously withdrawn his or her funds  
44 from the Employees' Retirement System, the Teachers'  
45 Retirement System, the Judges' and Clerks' Plan, or the  
46 District Attorneys' Plan or whose account has been terminated  
47 due to five years absence shall have restored to him or her  
48 all creditable service; provided, that the member shall  
49 complete two years of contributing membership service after  
50 becoming a member of The Judicial Retirement Fund and shall  
51 repay the amount previously returned to him or her, including  
52 compounded interest of eight percent annually to the date of  
53 repayment, to the treasurer of the retirement system prior to  
54 the date of retirement of the member. Notwithstanding the  
55 foregoing, any member who elects to purchase credit for  
56 withdrawn service shall be eligible to purchase the credit



**House Ways and Means General Fund Reported  
Substitute for HB589**

57 only to the extent that the member does not have credit  
58 established with any other public retirement system for the  
59 same period of service. Should any member have established  
60 part credit with another public retirement system for any  
61 period of withdrawn service, then that member shall only be  
62 eligible to purchase that portion of the withdrawn service for  
63 which the member does not otherwise have credit. In  
64 determining credit with other public retirement systems,  
65 coverage under the federal Social Security program may not be  
66 considered.

67 ~~(d)~~ (e) Anything in this division to the contrary  
68 notwithstanding, in the application of the foregoing  
69 provisions of this section to a member whose membership  
70 service includes a period of service as a district attorney  
71 and a period of service in another employment classification,  
72 the benefit rates applicable to a district attorney shall  
73 apply to all membership service as a district attorney, and  
74 the benefit rates applicable to the member's other employment  
75 classification shall apply to membership service in such other  
76 classification. In all other respects, the pension under this  
77 section shall be determined on the basis of the member's  
78 employment classification at the time of his or her withdrawal  
79 from service."

80 "§12-18-153

81 (a) Any active and contributing member of the Judges'  
82 and Clerks' Plan who, not more than one year prior to becoming  
83 a member of the plan was a member of the Employees' Retirement  
84 System of Alabama or the Teachers' Retirement System of



**House Ways and Means General Fund Reported  
Substitute for HB589**

85 Alabama, may elect to transfer his or her membership service  
86 and accumulated contributions in the Employees' Retirement  
87 System or the Teachers' Retirement System to the Judges' and  
88 Clerks' Plan.

89 (b) Any active and contributing member desiring to  
90 transfer any membership service and accumulated contributions  
91 under subsection (a) shall notify the Board of Control of the  
92 Employees' Retirement System of his or her election to  
93 transfer membership service and shall authorize the transfer  
94 of the amount of his or her accumulated contributions to his  
95 or her credit in the Employees' Retirement System or Teachers'  
96 Retirement System to his or her account in the Judges' and  
97 Clerks' Plan.

98 (c) The Board of Control transferring the membership  
99 service and contributions shall thereupon certify to the Board  
100 of Control of the Employees' Retirement System and to the fund  
101 the amount of contributions and service creditable to the  
102 member at the time of separation from the transferring  
103 retirement system. The member shall be credited in the fund  
104 with the membership service and accumulated contributions so  
105 certified.

106 (d) Any active and contributing member of the Judges'  
107 and Clerks' Plan who has previously withdrawn his or her funds  
108 from the Employees' Retirement System, the Teachers'  
109 Retirement System, the Judges' and Clerks' Plan, or the  
110 District Attorneys' Plan or whose account has been terminated  
111 due to five years absence shall have restored to him or her  
112 all creditable service; provided, that the judge or clerk



**House Ways and Means General Fund Reported  
Substitute for HB589**

113 shall complete two years of contributing membership service  
114 after becoming a member of the Judicial Retirement Fund and  
115 shall repay the amount previously returned to him or her,  
116 including compounded interest of eight percent annually to the  
117 date of repayment, to the treasurer of the retirement system  
118 prior to the date of retirement of the judge or clerk.  
119 Notwithstanding the foregoing, any member who elects to  
120 purchase credit for withdrawn service shall be eligible to  
121 purchase the credit only to the extent that the member does  
122 not have credit established with any other public retirement  
123 system for the same period of service. Should any member have  
124 established part credit with another public retirement system  
125 for any period of withdrawn service, then the member shall  
126 only be eligible to purchase that portion of the withdrawn  
127 service for which the member does not otherwise have credit.  
128 In determining credit with other public retirement systems,  
129 coverage under the federal Social Security program may not be  
130 considered.

131 ~~(d)~~ (e) Anything in this article to the contrary  
132 notwithstanding, in the application of the foregoing  
133 provisions of this section to a member whose membership  
134 service includes a period of service as a judge or clerk and a  
135 period of service in another employment classification, the  
136 benefit rates applicable to a judge or clerk shall apply to  
137 all membership service as a judge or clerk, and the benefit  
138 rates applicable to the member's other employment  
139 classification shall apply to membership service in such other  
140 classification. In all other respects, the pension under this



**House Ways and Means General Fund Reported  
Substitute for HB589**

141 section shall be determined on the basis of the member's  
142 employment classification at the time of his or her withdrawal  
143 from service."

144 Section 2. This act shall become effective on October  
145 1, 2026.