



**House Ways and Means General Fund Reported
Substitute for HB312**

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A BILL
TO BE ENTITLED
AN ACT

Relating to the District Attorneys' Plan for Retirement under the Judicial Retirement Fund; to amend Sections 12-17-227.4 and 12-17-227.5, Code of Alabama 1975; to revise the percentage of a member's average final compensation used for determining a member's pension; and to revise the maximum amount of a service retirement allowance and a disability retirement allowance.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 12-17-227.4 and 12-17-227.5 of the Code of Alabama 1975, are amended to read as follows:

"§12-17-227.4

(a) Any member who withdraws from service upon or after attainment of ~~age~~ 62 years of age may retire 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; ~~provided,~~ provided that any such member shall have completed 10 or more years of membership service in the District Attorneys' Plan.

(b) Any member who has attained ~~age~~ 62 years of age and



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29 has previously withdrawn from service may retire upon written
30 application to the Board of Control setting forth at what
31 time, not less than 30 days nor more than 90 days subsequent
32 to the execution and filing thereof, he or she desires to be
33 retired~~;~~, provided~~;~~, that any such member shall have completed
34 10 or more years of membership service.

35 (c) Upon retirement from service, the member shall
36 receive a service retirement allowance which shall consist of
37 an annuity, which shall be the actuarial equivalent of the
38 member's accumulated contributions at the time of retirement,
39 and a pension, which when added to the member's annuity shall
40 be equal to ~~three percent (3%)~~ four percent of the member's
41 average final compensation multiplied by the member's number
42 of years of membership service. Notwithstanding the foregoing,
43 the service retirement allowance shall not exceed ~~eighty~~
44 ~~percent (80%)~~ 75 percent of the member's average final
45 compensation. The service retirement allowance of a member who
46 has attained 18 or more years of membership service shall be
47 75 percent of the member's average final compensation."

48 "§12-17-227.5

49 (a) Upon application of an active and contributing
50 member, any such member who has 10 or more years of membership
51 service who becomes disabled may be retired on a disability
52 retirement allowance by the Board of Control not less than 30
53 days nor more than 90 days next following the date of filing
54 of such application~~;~~, provided that the medical board, after a
55 medical examination of such member, shall certify that such
56 individual is totally and permanently mentally or physically



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57 incapacitated from regular and substantial gainful employment,
58 and that such member should be retired.

59 (b) Upon retirement for disability, the member shall
60 receive a service retirement allowance if he or she has
61 attained ~~age~~ 62 years of age; otherwise, he or she shall
62 receive a disability retirement allowance which shall consist
63 of an annuity, which shall be the actuarial equivalent of the
64 member's accumulated contributions at the time of retirement,
65 and a pension, which when added to the member's annuity shall
66 be equal to ~~three percent (3%)~~ four percent of the member's
67 average final compensation multiplied by the member's number
68 of years of membership service. Notwithstanding the foregoing,
69 the disability retirement allowance shall not exceed ~~eighty~~
70 ~~percent (80%)~~ 75 percent of the member's average final
71 compensation. The disability retirement allowance of a member
72 who has attained 18 or more years of membership service shall
73 be 75 percent of the member's average final compensation.

74 (c) Once each year during the first five years
75 following the retirement of a member on a disability
76 retirement allowance and once every three-year period
77 thereafter, the Board of Control may require any disability
78 beneficiary who has not yet attained ~~age~~ 62 years of age to
79 undergo a medical examination, such examination to be made at
80 the place of residence of such beneficiary or other place
81 mutually agreed upon by a physician or physicians of or
82 designated by the medical board. Should any disability
83 beneficiary who has not yet attained ~~age~~ 62 years of age
84 refuse to submit to such medical examination, his or her



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85 retirement allowance may be discontinued until his or her
86 withdrawal of such refusal, and should his or her refusal
87 continue for one year, all his or her rights in and to his or
88 her pension may be revoked by the Board of Control. Should the
89 medical board report and certify to the Board of Control that
90 a disability beneficiary has the capacity to engage in regular
91 and substantial gainful employment, the Board of Control shall
92 discontinue the beneficiary's retirement allowance until the
93 beneficiary is otherwise eligible for service retirement."

94 Section 2. This act shall become effective on October
95 1, 2026.