

HB312 ENGROSSED



1 HB312
2 EJWJG29-2
3 By Representative Hill
4 RFD: Ways and Means General Fund
5 First Read: 22-Jan-26



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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, 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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has previously withdrawn from service may retire upon written application to the Board of Control setting forth at what time, not less than 30 days nor more than 90 days subsequent to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~~+~~ that any such member shall have completed 10 or more years of membership service.

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

"§12-17-227.5

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



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

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

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



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House of Representatives

99 Read for the first time and referred22-Jan-26
100 to the House of Representatives
101 committee on Ways and Means General
102 Fund
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104 Read for the second time and placed19-Feb-26
105 on the calendar:
106 1 amendment
107
108 Read for the third time and passed05-Mar-26
109 as amended
110 Yeas 100
111 Nays 0
112 Abstains 3
113
114
115 John Treadwell
116 Clerk
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