

HB62 ENROLLED



1 HB62
2 5XG56M3-2
3 By Representative Hill
4 RFD: Judiciary
5 First Read: 06-Feb-24
6 PFD: 30-Jan-24



HB62 Enrolled

1 Enrolled, An Act,

2 Relating to retired justices and judges; to amend
3 Sections 12-18-10 and 12-18-61, as last amended by Act
4 2023-333, 2023 Regular Session, Code of Alabama 1975, to
5 revise the process for when a retired justice or judge may be
6 called to active duty; and allow discretionary funds be used
7 to pay retired judges.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Sections 12-18-10 and 12-18-61, as last
10 amended by Act 2023-333, 2023 Regular Session, Code of Alabama
11 1975, are amended to read as follows:

12 "§12-18-10

13 (a) The retirement benefit payable to a justice of the
14 Supreme Court or judge of one of the courts of appeals
15 retiring pursuant to Section 12-18-6(a)(2), (3), (4), or (5)
16 shall be 75 percent of the salary prescribed by law for the
17 position from which he or she retires, payable monthly for the
18 rest of his or her life. The benefit shall continue to be 75
19 percent of his or her salary prescribed by law for the
20 position and shall change in amount as the salary is
21 increased or decreased by law and may not be subject to writs
22 of attachment or garnishment.

23 (b) The retirement benefit payable to a judge of a
24 circuit court retiring pursuant to Section 12-18-6(b)(2), (3),
25 (4), or (5) shall be 75 percent of the salary prescribed by
26 law of the salary payable from the State Treasury to circuit
27 judges. The retirement benefits shall be payable monthly for
28 the life of the beneficiary and shall continue to be 75



HB62 Enrolled

29 percent of the salary then prescribed by law for the
30 respective position and shall change in amount as the salary
31 is increased or decreased by law and may not be subject to
32 writs of attachment or garnishment.

33 (c) After the death of any justice or judge who held
34 office for a minimum of five years, his or her spouse shall
35 receive a yearly benefit equivalent to three percent of the
36 salary payable from the State Treasury prescribed by law for
37 his or her former position as either a justice or judge, for
38 each year of service, not to exceed 30 percent of the salary,
39 payable monthly for the remainder of the spouse's life or
40 until his or her remarriage, and the benefit shall change in
41 amount as the salary is increased or decreased by law.

42 (d) Any justice or judge retiring pursuant to Section
43 12-18-6(a)(1) or (b)(1) who has served for 10 years shall be
44 entitled to a disability benefit allowance payable monthly
45 from the Judicial Retirement Fund equal to 75 percent of the
46 salary payable from the State Treasury for the position held
47 at the time he or she retires. If the disabled justice or
48 judge has served less than 10 years, he or she shall be
49 entitled to receive a monthly disability benefit that is equal
50 to 25 percent of the salary payable from the State Treasury
51 for the position held at the time he or she retires plus 10
52 percent of the salary for each year of service in excess of
53 five years; provided, however, that in no event shall
54 a justice or judge receive less than 30 percent of the annual
55 salary being paid to a full-time justice or judge from the
56 State Treasury.



HB62 Enrolled

57 (e) (1) ~~Every~~ Any justice of the Supreme Court, ~~or~~ or judge
58 of a court of appeals, ~~or judge of a circuit court~~ who has
59 retired pursuant to this article or Article 7 ~~of this chapter,~~
60 on the request of the Chief Justice, the presiding judge of a
61 court of appeals, or the Governor, may be called to interim
62 active duty status, upon consent of the retired justice or
63 judge. Any circuit judge who has retired pursuant to this
64 article or Article 7, on the request of the presiding circuit
65 judge of the applicable judicial circuit and with the approval
66 of the Chief Justice, may be called to interim active duty
67 status, upon consent of the retired judge. When serving with
68 the Supreme Court or courts of appeals, he or she shall
69 perform the duties as may be prescribed by the Chief Justice
70 or the presiding judge of the court of appeals. When serving
71 in a circuit court, he or she shall perform the duties as may
72 be prescribed by the presiding judge in the circuit.

73 (2) A retired justice, judge of a court of appeals, or
74 judge of a circuit court who is called to interim active duty
75 status, in addition to his or her retirement benefits, shall
76 receive additional compensation during the term of service in
77 an amount of seven hundred eighty dollars (\$780) per day,
78 subject to state funding, including funds within the
79 discretion of the presiding circuit judge of the judicial
80 circuit. A judge may only be called to interim active duty
81 status for a maximum of 50 days in a calendar year.

82 ~~(3) A retired circuit judge may only be called to~~
83 ~~interim active duty status to perform duties in a circuit~~
84 ~~court when the presiding judge requests the appointment of the~~



HB62 Enrolled

85 ~~interim judge, when the Chief Justice and Administrative~~
86 ~~Office of Courts certify that the circuit where the judge will~~
87 ~~serve is needed pursuant to the most recent judicial weighted~~
88 ~~easeload study, and when the presiding circuit judge in the~~
89 ~~circuit where the judge will serve concurs that the circuit's~~
90 ~~easeload requires the service of the interim active judge.~~
91 ~~Notwithstanding any other provision of law, in order for the~~
92 ~~judge to continue in interim active duty status, the~~
93 ~~certification required in this subdivision must be made~~
94 ~~and recertified annually on the anniversary that the interim~~
95 ~~judge is called into service.~~

96 ~~(4)~~(3) A retired justice or judge who is called to
97 active duty status pursuant to this section shall receive the
98 same per diem expenses and mileage as state employees paid
99 from funds appropriated to the Unified Judicial System.
100 Additionally, he or she shall be assigned any court and
101 court-supportive personnel necessary to perform his or her
102 duties.

103 ~~(5)~~(4) A retired justice or judge who is called to
104 active duty status pursuant to this section shall complete a
105 minimum of six hours of approved continuing legal education
106 annually.

107 ~~(6)~~(5) A retired justice or judge who is called to
108 active duty status pursuant to this section shall not be a
109 public official under Chapter 25 of Title 36 by virtue of his
110 or her service under this section.

111 (f) (1) Whether a retired justice or judge is
112 satisfactorily performing the assigned duties shall be



HB62 Enrolled

113 determined by the following:

114 a. If the assignment is to the Supreme Court, by the
115 Chief Justice, with the advice of the Supreme Court.

116 b. If the assignment is to a court of appeals, by the
117 presiding judge of the applicable court of appeals, with the
118 advice of the court over which he or she presides.

119 c. If the assignment is to the circuit court, by the
120 Chief Justice and the presiding circuit judge of the
121 applicable judicial circuit.

122 (2) Upon determination that the retired justice or
123 judge is not satisfactorily performing the duties, the retired
124 justice or judge shall immediately be removed from interim
125 active duty status, and the additional interim active duty
126 status compensation shall be stopped.

127 (g) Except as provided in subdivision (e) ~~(3)~~ (1) or
128 subsection (f), a retired justice or judge shall hold office
129 as an additional or extra judge during good behavior and may
130 be removed only for causes specified in the constitution. Any
131 retired justices or judges may be transferred to inactive
132 status, upon request for the transfer. Justices or judges who
133 revert to inactive status shall be entitled to the same
134 retirement benefits prescribed in subsections (a) and (b) for
135 justices and judges who have retired.

136 (h) Nothing in this section shall limit the power and
137 authority of the Chief Justice to transfer a retired justice
138 or judge from inactive status to active status or from active
139 status to inactive status as the public interest in his or
140 her judgment requires.



HB62 Enrolled

141 (i) The Administrative Office of Courts shall adopt
142 policies and procedures for nominations to the Chief Justice
143 and duties assigned to interim active duty status justices and
144 judges."

145 "§12-18-61

146 (a) Any district judge who has retired pursuant to this
147 article or Article 7 ~~of this chapter may be called by~~, on the
148 request of the presiding circuit judge of the applicable
149 judicial circuit and with the approval of the Chief Justice,
150 may be called to interim active duty status in any circuit or
151 district court, upon consent of the retired judge.

152 (b) (1) A retired district judge who is called to
153 interim active duty status, in addition to his or her
154 retirement benefits, shall receive additional compensation
155 during the term of service in an amount of seven hundred
156 eighty dollars (\$780) per day, subject to state funding,
157 including funds within the discretion of the presiding circuit
158 judge of the judicial circuit. A judge may only be called to
159 interim active duty status for a maximum of 50 days in a
160 calendar year.

161 ~~(2) A retired district judge may only be called to~~
162 ~~interim active duty status to perform duties in a circuit or~~
163 ~~district court when the presiding circuit judge requests the~~
164 ~~appointment of the interim judge, when the Chief Justice and~~
165 ~~Administrative Office of Courts certify that the circuit where~~
166 ~~the judge will serve is needed pursuant to the most recent~~
167 ~~judicial weighted caseload study, and when the presiding~~
168 ~~circuit judge in the circuit where the judge will serve~~



HB62 Enrolled

169 ~~concurs that the circuit's caseload requires the service of~~
170 ~~the interim active judge. Notwithstanding any other provision~~
171 ~~of law, in order for the judge to continue in interim active~~
172 ~~duty status, the certification required in this subdivision~~
173 ~~must be made and recertified annually on the anniversary that~~
174 ~~the interim judge is called into service.~~

175 ~~(3)~~(2) A retired judge who is called to active duty
176 status pursuant to this section shall receive the same per
177 diem expenses and mileage as state employees paid from funds
178 appropriated to the Unified Judicial System. Additionally, he
179 or she shall be assigned any court and court-supportive
180 personnel necessary to perform his or her duties.

181 ~~(4)~~(3) A retired judge who is called to active duty
182 status pursuant to this section shall complete a minimum of
183 six hours of approved continuing legal education annually.

184 ~~(5)~~(4) A retired judge who is called to active duty
185 status pursuant to this section shall not be a public official
186 under Chapter 25 of Title 36 by virtue of his or her service
187 under this section.

188 (c) The Chief Justice and the presiding circuit judge
189 of the applicable judicial circuit, shall determine whether a
190 retired judge is satisfactorily performing the assigned
191 duties. Upon determination that the retired judge is not
192 satisfactorily performing the duties, the retired judge shall
193 immediately be removed from interim active duty status, and
194 the additional interim active duty status compensation shall
195 cease.

196 (d) Except as provided in subdivision (b) ~~(2)~~(1) or



HB62 Enrolled

197 subsection (c), a retired judge shall hold office as an
198 additional or extra judge during good behavior and may only be
199 removed for causes specified in the constitution. Any retired
200 judges may be transferred to inactive status, upon request for
201 the transfer. Judges who revert to inactive status shall be
202 entitled to the same retirement benefits as prescribed
203 pursuant to this chapter.

204 (e) The Administrative Office of Courts shall adopt
205 policies and procedures for nominations to the Chief Justice
206 and duties assigned to interim active duty status judges."

207 Section 2. This act shall become effective on October
208 1, 2024.

HB62 Enrolled



209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239

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 21-Feb-24.

John Treadwell
Clerk

Senate

02-May-24

Passed