

1 SB396
2 108095-3
3 By Senator Mitchell
4 RFD: Governmental Affairs
5 First Read: 17-FEB-09

1 SB396

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4 ENROLLED, An Act,

5 To amend Sections 12-17-40 and 12-17-210, Code of
6 Alabama 1975, relating to the qualifications of supernumerary
7 circuit judges and district attorneys, to provide further for
8 the qualifications.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Sections 12-17-40 and 12-17-210, Code of
11 Alabama 1975, are amended to read as follows:

12 "§12-17-40.

13 "(a) All laws dealing with the eligibility of judges
14 of the circuit court to assume duties and obligations, and to
15 claim and receive benefits, as supernumerary judges are, as to
16 all persons who were eligible to assume such duties and
17 obligations and claim and receive such benefits as of
18 September 18, 1973, continued in full force and effect, and
19 shall not be repealed by the adoption of this code.

20 Notwithstanding the foregoing, on the date that all persons
21 who became vested with eligibility, either present or
22 prospective, to assume duties and responsibilities, and to
23 claim and receive benefits, as, or, in the case of surviving
24 spouses, on account of, supernumerary judges as of September
25 18, 1973, or those persons so electing pursuant to subsection

1 (b), are deceased, all relevant laws relating thereto shall be
2 repealed.

3 "(b) Notwithstanding subsection (a), any person may
4 elect to become a supernumerary circuit judge if he or she had
5 completed the years of judicial service prescribed for
6 eligibility for supernumerary status before September 18,
7 1973, and has reached the age prescribed for eligibility by
8 the laws in force and effect on September 18, 1973. Any person
9 electing supernumerary status pursuant to this subsection
10 shall otherwise be eligible to receive the same benefits as
11 provided for any other person taking supernumerary status
12 pursuant to subsection (a).

13 "§12-17-210.

14 "(a) Any district attorney, former district
15 attorney, or former circuit solicitor of this state may elect
16 to become a supernumerary district attorney of the state by
17 filing a written declaration to that effect with the Governor
18 if he or she meets any of the following qualifications:

19 "(1) Has served continuously for 15 years as
20 district attorney, former district attorney, or former circuit
21 solicitor and is not less than 60 years of age and has become
22 permanently and totally disabled, proof of such disability
23 being made by certificates of three reputable physicians.

24 "(2) Has served continuously for 15 years as
25 district attorney, former district attorney, or former circuit

1 solicitor and/or as a judge of a court of record and is not
2 less than 65 years of age; or has served as such continuously
3 for more than 15 years and has attained age 65 less one year
4 for each year of service in excess of 15 years and is still in
5 service as such district attorney or judge of a court of
6 record.

7 "(3) Has served continuously for 10 years as
8 district attorney, former district attorney, or former circuit
9 solicitor and is not less than 70 years of age.

10 "(4) Has served continuously for not less than 15
11 years as district attorney, former district attorney, or
12 former circuit solicitor and/or as a judge of a court of
13 record and is not less than 70 years of age.

14 "(5) Has served for 10 years as a district attorney
15 or former district attorney and is not less than 70 years of
16 age; provided that one year as a full-time deputy or assistant
17 district attorney or elected county solicitor may be counted
18 toward the 10-year requirement and provided that nine years of
19 continuous service as a district attorney or former district
20 attorney shall have occurred within two years of making
21 application.

22 "(b) Any district attorney, former district
23 attorney, or former circuit solicitor who has served in that
24 office as district attorney for not less than 24 years, or for
25 not less than six terms, the last 10 years of such service

1 having been continuous, may elect to become a supernumerary
2 district attorney of the state by filing a written declaration
3 to that effect with the Governor at any time not more than 90
4 days prior to the end of the 24-year period.

5 "(c) Except as herein provided, this section shall
6 apply only to district attorneys, former district attorneys or
7 former circuit solicitors who have been elected to that
8 office."

9 Section 2. This act shall become effective
10 immediately following its passage and approval by the
11 Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB396
Senate 09-APR-09
I hereby certify that the within Act originated in and passed
the Senate, as amended.

McDowell Lee
Secretary

House of Representatives
Passed: 15-MAY-09

By: Senator Mitchell