

1 SB72
2 209228-3
3 By Senator Barfoot
4 RFD: Judiciary
5 First Read: 02-FEB-21
6 PFD: 01/26/2021

1 SB72

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4 ENROLLED, An Act,

5 Relating to qualifications for supernumerary status;
6 to amend Section 12-17-213, Code of Alabama 1975, to remove
7 the minimum years of service and age requirement.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Section 12-17-213, Code of Alabama 1975,
10 is amended to read as follows:

11 "§12-17-213.

12 "(a) Any person now serving or having formerly
13 served as a district attorney of a judicial circuit of
14 Alabama, who has served for not less than 18 years, when he
15 has reached the age of 60 years, may elect to become a
16 supernumerary district attorney by filing a written
17 declaration to that effect with the Governor, and time served
18 as judge of a court of record, a county court, county
19 solicitor or any other countywide elected official, a
20 full-time deputy or assistant district attorney or as a duly
21 licensed attorney employed full time by the State of Alabama,
22 whether commissioned or appointed or as an elected
23 constitutional officer or other state official, shall be
24 counted as time served towards accumulating the above required
25 18 years; provided, that such district attorney shall have

1 served not less than 10 years as district attorney of a
2 judicial circuit.

3 "(b) Any district attorney of a judicial circuit who
4 has served 18 years as circuit district attorney may elect to
5 become a supernumerary district attorney by filing a written
6 declaration to that effect with the Governor, and only two and
7 one-half years served as judge of a court of record, a county
8 court, county solicitor, a full-time deputy or assistant
9 district attorney or as a duly licensed attorney employed full
10 time by the State of Alabama, whether commissioned or
11 appointed or as an elected constitutional officer or other
12 state official, may be counted as time served towards
13 accumulating the above required 18 years.

14 ~~"(c) This section shall not apply to any person who~~
15 ~~has previously become a supernumerary district attorney prior~~
16 ~~to October 10, 1975.~~

17 "(c) On the effective date of the act adding this
18 amendatory language, any person who was elected or appointed
19 as a district attorney prior to November 8, 2016, and held
20 office as a district attorney through or after January 1,
21 2019, may elect to become a supernumerary district attorney by
22 filing a written declaration to that effect with the Governor.
23 Prior time served as a judge of a court of record, a full-time
24 deputy or assistant district attorney, a duly licensed
25 attorney employed full time by the State of Alabama, or a

1 district attorney, shall be counted as time served towards
2 accumulating the 18 years required in this section."

3 Section 2. Any district attorney who, on or after
4 October 1, 2021, qualifies under Division 2, commencing with
5 Section 12-17-210, of Article 6 of Chapter 17 of Title 12,
6 Code of Alabama 1975, to receive a salary pursuant to Section
7 12-17-215, Code of Alabama 1975, and also qualifies to receive
8 a pension under any of the Retirement Systems of Alabama,
9 shall elect, at the time of separation from state service, to
10 receive either a salary under Section 12-17-215, Code of
11 Alabama 1975, or a pension, but not both, by filing a written
12 declaration with the Governor and the applicable retirement
13 system. This section shall not prohibit survivor benefits that
14 may be available under any of the Retirement Systems of
15 Alabama.

16 Section 3. A supernumerary district attorney who is
17 receiving a salary pursuant to Section 12-17-25, Code of
18 Alabama 1975, may also be employed by, or perform duties in
19 any capacity, including as an independent contractor for, any
20 employer participating in the Employees' Retirement System;
21 provided, however, the supernumerary district attorney's
22 compensation from the employer in a calendar year may not
23 exceed the salary limitation described and calculated pursuant
24 to subsection (a) of Section 36-27-8.2, Code of Alabama 1975.

1 Section 4. This act shall become effective October
2 1, 2021, following its passage and approval by the Governor,
3 or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB72
Senate 16-MAR-21
I hereby certify that the within Act originated in and passed
the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Passed: 13-APR-21

By: Senator Barfoot