

Senate Bill 330

By: Senators Heath of the 31st, Schaefer of the 50th and Murphy of the 27th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 6 of Chapter 23 of Title 47 of the Official Code of Georgia Annotated,  
2 relating to salary, retirement, death, and disability benefits under the Georgia Judicial  
3 Retirement System, so as to change provisions relating to retirement benefits for superior  
4 court judges and district attorneys; to provide for a certain option for benefits; to provide  
5 conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other  
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 6 of Chapter 23 of Title 47 of the Official Code of Georgia Annotated, relating to  
10 salary, retirement, death, and disability benefits under the Georgia Judicial Retirement  
11 System, is amended by revising Code Section 47-23-102, relating to vesting and benefits  
12 upon retirement, as follows:

13 "47-23-102.

14 (a) The provisions of this subsection shall be applicable to members of this retirement  
15 system who are not subject to subsection (b) of this Code section. The right of a member  
16 to receive benefits under this chapter shall vest after the member obtains ten years of  
17 creditable service; provided, however, that no member shall receive a retirement benefit  
18 prior to attaining the age of 60 years. Any member retiring on or after July 1, 1996, and any  
19 member who was retired on July 1, 1996, with 16 years or more of creditable service shall  
20 receive a benefit equal to 66.66 percent, plus 1 percent for each year of creditable service  
21 over 16 years, of the member's salary; provided, however, that no member shall receive  
22 more than 24 years of creditable service. Any member retiring with less than 16 years of  
23 creditable service may retire at a reduced benefit pursuant to Code Section 47-23-103. Any  
24 member who was retired on July 1, 1996, with more than 16 years of creditable service  
25 shall receive in July, 1998, a one-time benefit payment equal to two times the product of

1 1 percent of the salary paid to such judge at the time of his or her retirement multiplied by  
2 the number of years of creditable service in excess of 16 years.

3 (b) The provisions of this subsection shall be applicable to any person who first becomes  
4 a member of this retirement system on or after July 1, 2008, or who again becomes a  
5 member and who does not have a vested right to be reinstated in this retirement system, and  
6 at the time of becoming or again becoming a member is serving as a superior court judge  
7 or district attorney; provided, however, that any member of this retirement system who is  
8 serving in such capacity may elect to become subject to the provisions of this paragraph  
9 by so notifying the board of trustees in writing not later than October 30, 2008, or within  
10 three months after becoming a superior court judge or district attorney. The right of a  
11 member subject to this subsection to receive benefits under this chapter shall vest after the  
12 member obtains ten years of creditable service; provided, however, that no member shall  
13 receive a retirement benefit prior to attaining the age of 60 years. Any member subject to  
14 this subsection who retires with 16 years or more of creditable service shall receive a  
15 benefit equal to 60 percent, plus 1 percent for each year of creditable service over 16 years,  
16 of the member's salary; provided, however, that no member shall receive more than 24  
17 years of creditable service. Any member retiring with less than 16 years of creditable  
18 service may retire at a reduced benefit pursuant to Code Section 47-23-103."

## 19 SECTION 2.

20 This Act shall become effective on July 1, 2008, only if it is determined to have been  
21 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia  
22 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not  
23 become effective and shall be automatically repealed in its entirety on July 1, 2008, as  
24 required by subsection (a) of Code Section 47-20-50.

## 25 SECTION 3.

26 All laws and parts of laws in conflict with this Act are repealed.