

The House Committee on Retirement offers the following substitute to HB 1020:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 23 of Title 47 of the Official Code of Georgia Annotated, relating to the  
2 Georgia Judicial Retirement System, so as to provide for the payment of monthly retirement  
3 benefits for creditable service as a district attorney at the age of 65 years; to provide for  
4 calculation of benefits for individuals who first become members after the effective date of  
5 this Act; to provide for calculation of survivors benefits; to provide for conforming changes;  
6 to provide for an effective date; to provide for related matters; to repeal conflicting laws; and  
7 for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 23 of Title 47 of the Official Code of Georgia Annotated, relating to the Georgia  
11 Judicial Retirement System, is amended by revising Code Section 47-23-45, relating to effect  
12 of change in employment, as follows:

13 "47-23-45.

14 Any member of this retirement system shall be entitled to remain as a member by holding  
15 any position or office covered by the fund and shall receive full credit for all service as a  
16 member despite his or her change from one position or office to another covered by the

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17 fund. Upon becoming eligible for retirement, however, retirement benefits shall be  
18 determined in accordance with Code Sections 47-23-101, 47-23-102, ~~and 47-23-102.1, and~~  
19 47-23-102.2."

20

## SECTION 2.

21 Said chapter is further amended by revising Code Section 47-23-102.1, relating to  
22 qualifications to receive retirement benefits, as follows:

23 "47-23-102.1.

24 (a) This Code section shall only apply to an individual who first ~~becomes~~ became a  
25 member on or after July 1, 2025, and before July 1, 2026.

26 (b) The right of a member to receive benefits under this chapter shall vest after the member  
27 obtains ten years of creditable service; provided, however, that no member shall receive  
28 a retirement benefit prior to attaining the age of 60 years. Except as otherwise provided  
29 in Article 2 of Chapter 1 of this title, a member's accumulated contributions shall be 100  
30 percent vested and nonforfeitable at all times. Any member retiring with 16 years or more  
31 of creditable service shall receive a benefit equal to 66.66 percent, plus 1 percent for each  
32 year of creditable service over 16 years, of the member's salary; provided, however, that  
33 no member shall receive more than 24 years of creditable service. Any member retiring  
34 with less than 16 years of creditable service may retire at a reduced benefit pursuant to  
35 Code Section 47-23-103. Except as provided in subsection (c) of this Code section, normal  
36 retirement age under this retirement system shall be the date the member has reached 60  
37 years of age, provided that he or she has at least ten years of creditable service. For  
38 purposes of Section 402(1) of the federal Internal Revenue Code regarding distributions  
39 from governmental plans for health and long-term care insurance for public safety officers,  
40 normal retirement age shall be the earliest date when the member has satisfied the  
41 requirements for a retirement under this retirement system.

42 (c) On the effective date of a member's retirement, as provided for in subsection (b) of  
 43 Code Section 47-23-103, such member's monthly retirement benefit shall be calculated as  
 44 follows:

45 (1) If a member is over the age of 65 years on his or her effective date of retirement, or  
 46 has attained the age of 65 years after his or her effective date of retirement, such member  
 47 shall receive the full amount of the benefit calculated pursuant to subsection (b) of this  
 48 Code section; or

49 (2) If a member has not yet attained the age of 65 years on his or her effective date of  
 50 retirement, the monthly retirement benefit shall be calculated pursuant to subsection (b)  
 51 of this Code section using only the years of creditable service attributable to such  
 52 member's service in any covered position ~~except for as~~ that of a superior court judge.

53 (d) The board is authorized to provide by rule or regulation for the payment of benefits to  
 54 members or beneficiaries of the retirement system at a time and under circumstances not  
 55 provided for in this chapter to the extent that such payment is required to maintain the  
 56 retirement system as a qualified retirement plan for the purposes of federal income tax laws  
 57 and regulations."

### 58 SECTION 3.

59 Said chapter is further amended by adding a new Code section to read as follows:

60 "47-23-102.2.

61 (a) This Code section shall only apply to an individual who first became a member on or  
 62 after July 1, 2026.

63 (b) The right of a member to receive benefits under this chapter shall vest after the member  
 64 obtains ten years of creditable service; provided, however, that no member shall receive  
 65 a retirement benefit prior to attaining the age of 60 years. Except as otherwise provided  
 66 in Article 2 of Chapter 1 of this title, a member's accumulated contributions shall be 100  
 67 percent vested and nonforfeitable at all times. Any member retiring with 16 years or more

68 of creditable service shall receive a benefit equal to 66.66 percent, plus 1 percent for each  
69 year of creditable service over 16 years, of the member's salary; provided, however, that  
70 no member shall receive more than 24 years of creditable service. Any member retiring  
71 with less than 16 years of creditable service may retire at a reduced benefit pursuant to  
72 Code Section 47-23-103. Except as provided in subsection (c) of this Code section, normal  
73 retirement age under this retirement system shall be the date the member has reached 60  
74 years of age, provided that he or she has at least ten years of creditable service. For  
75 purposes of Section 402(1) of the federal Internal Revenue Code regarding distributions  
76 from governmental plans for health and long-term care insurance for public safety officers,  
77 normal retirement age shall be the earliest date when the member has satisfied the  
78 requirements for a retirement under this retirement system.

79 (c) On the effective date of a member's retirement, as provided for in subsection (b) of  
80 Code Section 47-23-103, such member's monthly retirement benefit shall be calculated as  
81 follows:

82 (1) If a member is over the age of 65 years on his or her effective date of retirement, or  
83 has attained the age of 65 years after his or her effective date of retirement, such member  
84 shall receive the full amount of the benefit calculated pursuant to subsection (b) of this  
85 Code section; or

86 (2) If a member has not yet attained the age of 65 years on his or her effective date of  
87 retirement, the monthly retirement benefit shall be calculated pursuant to subsection (b)  
88 of this Code section using only the years of creditable service attributable to such  
89 member's service in any covered position except that of a superior court judge or district  
90 attorney.

91 (d) The board is authorized to provide by rule or regulation for the payment of benefits to  
92 members or beneficiaries of the retirement system at a time and under circumstances not  
93 provided for in this chapter to the extent that such payment is required to maintain the

94 retirement system as a qualified retirement plan for the purposes of federal income tax laws  
95 and regulations."

96 **SECTION 4.**

97 Said chapter is further amended by revising Code Section 47-23-103, relating to retirement  
98 based on age and application to retire, as follows:

99 "47-23-103.

100 (a) In lieu of retirement at the benefit level provided by Code Section 47-23-102, ~~or~~  
101 ~~47-23-102.1, or 47-23-102.2,~~ a member may retire at any time after attaining the age of 60  
102 years and after obtaining a minimum of ten years of creditable service. The monthly  
103 retirement benefit for such early retirement shall be a percentage of either the benefit under  
104 Code Section 47-23-102 if such member first became a member before July 1, 2025, ~~or~~ the  
105 benefit under subsection (c) of Code Section 47-23-102.1 if such member first became a  
106 member ~~on or after~~ between July 1, 2025, and June 30, 2026, or the benefit under  
107 subsection (c) of Code Section 47-23-102.2 if such member first became a member on or  
108 after July 1, 2026, and such percentage shall be the proportion which the number of years  
109 of creditable service the member has in the retirement system bears to 16.

110 (b) The effective date of retirement shall be the first day of the month in which the  
111 application is received by the board of trustees, provided that no retirement shall, in any  
112 case, be effective earlier than the first day of the month following the final month of the  
113 applicant's employment. Applications for retirement shall not be accepted more than 90  
114 days in advance of the effective date of retirement."

115 **SECTION 5.**

116 Said chapter is further amended by revising Code Section 47-23-104, relating to disability,  
117 determination of benefits, and determining disability, as follows:

118 "47-23-104.

119 (a) After obtaining a minimum of four years of creditable service, any member who  
120 becomes totally and permanently disabled to the extent that he or she is unable to perform  
121 the duties of his or her office shall be entitled to receive a disability retirement benefit  
122 which shall be one-half of the maximum retirement benefits provided by Code Section  
123 47-23-102, ~~or 47-23-102.1, or 47-23-102.2~~ for 16 years of service, unless the member  
124 would otherwise qualify for a greater benefit under Code Section 47-23-102 if such  
125 member first became a member before July 1, 2025, Code Section 47-23-102.1 if such  
126 member first became a member ~~on or after~~ between July 1, 2025, and June 30, 2026, or  
127 Code Section 47-23-102.2 if such member first became a member on or after July 1, 2026,  
128 or Code Section 47-23-103, in which event the Code section providing the highest benefit  
129 would apply.

130 (b) After obtaining a minimum of ten years of actual service, any member who becomes  
131 totally and permanently disabled to the extent that he or she is unable to perform the duties  
132 of his or her office shall be entitled to receive a disability retirement benefit which shall be  
133 two-thirds of the maximum retirement benefits provided by Code Section 47-23-102, ~~or~~  
134 ~~47-23-102.1, or 47-23-102.2.~~

135 (c) The disability of any member applying for disability retirement benefits shall be  
136 determined by the board in the same manner and under the same procedure as disability of  
137 state employees is determined in accordance with the applicable provisions of the  
138 Employees' Retirement System of Georgia. Disability retirement benefits shall become  
139 effective on the first day of the month following the month the member resigns as a result  
140 of the disability."

141 **SECTION 6.**

142 Said chapter is further amended by revising Code Section 47-23-105.1, relating to  
143 modification of retirement allowance, as follows:

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144 "47-23-105.1.

145 (a) The provisions of this Code section shall apply only to persons who become members  
146 of this retirement system on or after July 1, 2012.

147 (b) A member may make a one-time election to convert the retirement allowance  
148 otherwise payable to him or her into a modified retirement allowance of equivalent  
149 actuarial value and designate a natural person to receive a survivors benefit in accordance  
150 with one of the options set forth in paragraphs (1), (2), (3), or (4) of this subsection. Such  
151 retirement allowance shall be actuarially reduced in accordance to the designated survivor's  
152 projected life span. For any member whose benefit amount is calculated pursuant to Code  
153 Section 47-23-102.1 or 47-23-102.2, such actuarial adjustment shall account for any  
154 increase in the benefit amount accruing to such member when he or she attains the age of  
155 65 years. Such actuarial adjustment shall be computed upon the basis of the mortality  
156 tables and rates of interest last adopted by the board of trustees. Such election may be  
157 made only after the member has become eligible to retire and before the first payment of  
158 his or her retirement allowance normally becomes due. Such election shall be irrevocable  
159 except as otherwise provided in this Code section. The options are:

160 (1) Option one, known as the 100 percent joint and survivor option, shall consist of a  
161 reduced retirement allowance which is payable during the life of the retired member and  
162 which, upon his or her death, shall be continued at the same rate throughout the life of  
163 and paid to the designated survivor;

164 (2) Option two, known as the 66 2/3 percent joint and survivor option, shall consist of  
165 a reduced retirement allowance which is payable during the life of the retired member and  
166 which, upon his or her death, shall be continued at the rate of two-thirds the reduced  
167 retirement allowance throughout the life of and paid to the designated survivor;

168 (3) Option three, known as the 50 percent joint and survivor option, shall consist of a  
169 reduced retirement allowance which is payable during the life of the retired member and

170 which, upon his or her death, shall be continued at the rate of one-half the reduced  
171 retirement allowance throughout the life of and paid to the designated survivor; and

172 (4) Option four, known as the pop-up option, shall be the election of options one, two,  
173 or three, with the added provision that in the event the designated survivor predeceases  
174 the retired member, the retirement allowance payable to the retired member after the  
175 death of the designated survivor shall be equal to the maximum retirement allowance  
176 which the retired member would have been entitled to receive under this chapter had such  
177 election not been made.

178 (c) In the event a member is not married at the time he or she retires and the retired  
179 member does not elect a survivor's option and such member subsequently marries, the  
180 retired member may elect to begin receiving an actuarially reduced benefit of equivalent  
181 value and establish on behalf of the newly acquired spouse an option under this Code  
182 section. Such election shall be made within six months after the marriage.

183 (d) In the event a retired member makes an election under subsection (b) of this Code  
184 section on behalf of a spouse and such spouse predeceases the retired member and the  
185 retired member subsequently remarries, the retired member may elect to begin receiving  
186 an actuarially reduced benefit of equivalent value and establish on behalf of a new  
187 designated survivor pursuant to an option under this Code section.

188 (e) In the event a retired member makes an election under subsection (b) of this Code  
189 section on behalf of a spouse and a final judgment of complete divorce from the spouse is  
190 entered, then:

191 (1) The retired member may elect to continue the optional allowance with the former  
192 spouse designated to receive all amounts and benefits upon the death of the retired  
193 member; or

194 (2) The retired member may revoke the appointment of such spouse as a beneficiary;  
195 provided, however, that in such event the retirement benefit received by the retired  
196 member shall not increase. Such revocation may be made at any time after the entry of

197 the final judgment of divorce. If the retired member elects to revoke the election, the  
198 spouse shall be treated in the same manner as if he or she had predeceased the retired  
199 member under subsection (d) of this Code section.

200 (f) If an active vested member of this retirement system dies and is survived by a legal  
201 spouse, such spouse shall receive a benefit as if the member ~~has~~ had retired on the date of  
202 his or her death, had attained the age of 65, and had elected option three."

203 **SECTION 7.**

204 Said chapter is further amended by revising Code Section 47-23-106, relating to county  
205 supplement of salaries, as follows:

206 "47-23-106.

207 (a) Whenever any county within a judicial circuit supplements the state salary paid to  
208 active superior court judges or the district attorney of said circuit, the governing authority  
209 of such county shall be authorized, but not required, to supplement the benefit being paid  
210 pursuant to this chapter to any retired superior court judge or district attorney of said circuit  
211 who is receiving benefits pursuant to this chapter or to supplement the benefit being paid  
212 pursuant to this chapter to any beneficiary of any deceased superior court judge or district  
213 attorney.

214 (b) Whenever any county which has a state court supplements the salary of the judges or  
215 solicitors-general of such court, the governing authority of such county shall be authorized,  
216 but not required, to supplement the benefit being paid pursuant to this chapter to any retired  
217 state court judge of such court who is receiving benefits pursuant to this chapter or  
218 supplement the benefit being paid pursuant to this chapter to any beneficiary of any  
219 deceased state court judge.

220 (c) Notwithstanding the provisions of subsection (a) or (b) of this Code section, for any  
221 single county judicial circuit where the county site is located in an unincorporated area of  
222 the county and the county governing authority has constructed one or more permanent

223 satellite courthouses within the county, said county shall supplement the benefit amount  
224 being paid pursuant to this chapter to any district attorney who retired from such circuit.  
225 The amount of the supplement shall be determined by multiplying the benefit percentage  
226 he or she earned pursuant to Code Section 47-23-102 if such member first became a  
227 member before July 1, 2025, ~~or~~ Code Section 47-23-102.1 if such member first became a  
228 member ~~on or after~~ between July 1, 2025, and June 30, 2026, or Code Section 47-23-102.2  
229 if such member first became a member on or after July 1, 2026, at retirement together with  
230 the aggregate county salary supplement being paid to the active district attorney on the date  
231 that he or she begins receiving a retirement benefit or the supplement paid to the retiring  
232 district attorney upon his or her last day of service as district attorney, whichever is greater.  
233 The supplement shall not be payable to a spouse or survivor pursuant to the provisions of  
234 Code Section 47-23-105."

235 **SECTION 8.**

236 This Act shall become effective on July 1, 2026.

237 **SECTION 9.**

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