

The Senate Committee on Rules offered the following substitute to HB 1020:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 18 of Title 15 of the Official Code of Georgia Annotated,
2 relating to general provisions regarding prosecuting attorneys, so as to modify provisions
3 regarding the compensation received by district attorneys; to provide procedures for district
4 attorneys to opt to receive compensation pursuant to such revised provisions; to provide for
5 grandfathering of certain district attorneys so as to not reduce the compensation paid to such
6 district attorneys; to authorize locality pay by counties to district attorneys in lieu of county
7 salary supplements; to abolish most county salary supplements provided to district attorneys;
8 to authorize continuation of fringe benefits provided by counties to district attorneys; to
9 preserve existing rights and obligations related to retirement benefits provided by counties
10 to district attorneys; to provide for retirement benefits relative to optional locality pay; to
11 amend Code Section 45-7-4 of the Official Code of Georgia Annotated, relating to annual
12 salaries of certain state officials and cost-of-living adjustments, so as to revise provisions
13 relating to calculating and setting the salaries of district attorneys; to revise superseded
14 provisions related to the salary of the judge of the state-wide tax court; to amend Chapter 3
15 of Title 1 of the Official Code of Georgia Annotated, relating to laws and statutes, so as to
16 suspend the operation of local laws or local ordinances or resolutions that use a district
17 attorney's salary for the calculation of the salary or compensation of other officers, officials,
18 or employees; to provide for an automatic lifting of such suspension relative to judges; to

19 preserve the authority of the General Assembly to amend or repeal such suspended local
20 laws; to preserve the authority of local governments to use other mechanisms to change
21 salary calculation during such suspension; to provide for legislative findings and intent; to
22 provide for legislative construction; to amend Chapter 23 of Title 47 of the Official Code of
23 Georgia Annotated, relating to the Georgia Judicial Retirement System, so as to provide for
24 the payment of monthly retirement benefits for creditable service as a district attorney at the
25 age of 65 years; to provide for calculation of benefits for individuals who first become
26 members after the effective date of this Act; to provide for calculation of survivors benefits;
27 to provide for conforming changes; to provide a short title; to provide for an effective date;
28 to provide for related matters; to repeal conflicting laws; and for other purposes.

29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

30 **SECTION 1.**

31 This Act shall be known and may be cited as the "District Attorney Compensation Reform
32 Act."

33 **SECTION 2.**

34 Article 1 of Chapter 18 of Title 15 of the Official Code of Georgia Annotated, relating to
35 general provisions regarding prosecuting attorneys, is amended by revising Code Section
36 15-18-10, relating to compensation of district attorneys and private practice of law
37 prohibited, as follows:

38 "15-18-10.

39 (a) Except as provided for in subsection (b) of this Code section, each ~~Each~~ district
40 attorney shall receive an annual salary from state funds as prescribed by law. Such salary
41 shall be paid as provided in Code Sections 15-18-10.1, 15-18-10.2, ~~and~~ 15-18-19,
42 and 45-7-4.

43 (b)(1) Each district attorney in office on July 1, 2026, shall have the option to receive the
44 annual salary provided by Code Section 45-7-4 and any locality pay provided by this
45 Code section and Code Section 15-18-19 in lieu of his or her compensation which is
46 otherwise provided by laws in effect on June 30, 2026. The option provided by this
47 paragraph shall be exercised by such district attorney's filing a written notification thereof
48 with the Prosecuting Attorneys' Council of Georgia and the governing authority of each
49 county comprising such district attorney's judicial circuit. A district attorney in office on
50 July 1, 2026, shall not be required or obligated to exercise the option provided by this
51 paragraph, but if and when any such district attorney voluntarily and expressly exercises
52 such option, such district attorney's exercise of such option shall be final and irrevocable.
53 The failure to exercise the option shall be an election to continue to receive compensation
54 as previously calculated by law in effect on June 30, 2026, and as outlined in
55 paragraph (2) of this subsection, and until such option is exercised; provided, however,
56 that such option must be exercised no later than January 1, 2030. The option exercised
57 pursuant to this paragraph shall go into effect the next pay period beginning five business
58 days following the exercise of such option.

59 (2) To ensure that no district attorney in office on July 1, 2026, has his or her salary,
60 allowance, or county supplements decreased during his or her term of office, any district
61 attorney in office on July 1, 2026, who does not exercise the irrevocable option provided
62 by paragraph (1) of this subsection shall continue to be compensated in precisely the
63 same manner as he or she was compensated as of June 30, 2026, including, but not
64 limited to, county supplements, in accordance with Article VI, Section VIII,
65 Paragraph I (c) of the Constitution.

66 (3) For the purpose of this Code section and Code Section 15-18-10.2, an interim district
67 attorney serving on July 1, 2026, shall be treated in the same manner as an elected district
68 attorney related to any options such district attorneys have as to their compensation.

69 ~~The county or counties comprising the judicial circuit may supplement the salary of the~~
70 ~~district attorney in such amount as is or may be authorized by local Act or in such amount~~
71 ~~as may be determined by the governing authority of such county or counties, whichever is~~
72 ~~greater.~~

73 (c) The clerk of court shall collect any such fees, fines, forfeitures, costs, and emoluments
74 and remit the same to the county treasury by the fifteenth day of each month.

75 (d) No district attorney receiving an annual salary under this Code section shall engage in
76 the private practice of law."

77 **SECTION 3.**

78 Said article is further amended in Code Section 15-18-10.1, relating to annual accountability
79 supplement and exception, by repealing subsection (d).

80 **SECTION 4.**

81 Said article is further amended by adding a new Code section to read as follows:

82 "15-18-10.2.

83 (a) Except as provided for in subsection (b) of this Code section, on or after July 1, 2026,
84 the county or counties comprising a judicial circuit may provide the district attorney of
85 such circuit, who either was not in office as a district attorney as of July 1, 2026, or made
86 an irrevocable election authorized by paragraph (1) of subsection (b) of Code
87 Section 15-18-10, with locality pay as authorized by this Code section, and such district
88 attorneys shall not be eligible for county salary supplements provided by local Act. In no
89 event shall locality pay exceed 10 percent of the state annual salary provided by Code
90 Section 45-7-4 to such district attorney. All such locality pay shall be in lieu of and not in
91 addition to any county supplements previously provided by the county or counties.

92 (b) In no event shall the annual locality pay provided to a district attorney or circuit public
93 defender by the county or counties comprising a judicial circuit in aggregate exceed the
94 lesser of:

95 (1) Ten percent of the state annual salary paid to a district attorney pursuant to Code
96 Section 45-7-4; or

97 (2) The total of \$20,608.05;

98 provided, however, that, if the state annual salary paid to district attorneys exceeds
99 \$206,805.00, then the maximum allowable amount of annual locality pay provided to a
100 district attorney by the county or counties comprising a judicial circuit shall instead be
101 equal to the difference between \$20,608.05 and half the amount by which such state annual
102 salary exceeds \$206,805.00. The intent of this subsection is to provide for a gradual
103 decrease in the maximum amount of allowable locality pay as the state annual salary
104 provided by Code Section 45-7-4 to district attorneys exceeds \$206,805.00 and continues
105 to increase.

106 (c) Except as provided for in subsection (b) of Code Section 15-18-10 and subsection (d)
107 of this Code section and notwithstanding any other provision of law to the contrary, on and
108 after July 1, 2026, no county or counties comprising a judicial circuit shall provide county
109 salary supplements to a district attorney.

110 (d)(1) Nothing in subsection (c) of this Code section shall operate to prevent a county or
111 counties comprising a judicial circuit from providing a local salary supplement when the
112 district attorney of that judicial circuit enters into a contract with said county or counties
113 to act as the solicitor of a county's probate or magistrate court, or for supplements of
114 compensation for services under Code Sections 15-18-11 and 19-11-23.

115 (2) For all district attorneys who elect to exercise the option provided by paragraph (1)
116 of subsection (b) of Code Section 15-18-10, to the extent the aggregate salary provided
117 for by subsection (a) of Code Section 15-18-10 and locality pay provided for by
118 subsection (a) of this Code section to a particular district attorney do not equal or exceed

119 such district attorney's aggregate salary and local supplement in effect at the time of such
120 district attorney's exercise of such option, then the county or counties of the circuit shall
121 pay an additional supplement in the amount equal to the difference between the aggregate
122 salary and supplement in effect at the time of such district attorney's exercise of such
123 option and the aggregate salary provided for by subsection (a) of Code Section 15-18-10
124 and locality pay provided for by subsection (a) of this Code section. When an additional
125 supplement is required by this paragraph in a circuit consisting of more than one county,
126 then each county shall pay such additional supplement in proportion to each county's
127 contribution to the local supplement in effect at the time of such district attorney's
128 exercise of the option to participate. In no event shall the additional supplement required
129 by this paragraph result in a district attorney's aggregate salary that exceeds the aggregate
130 salary existing at the time of a district attorney's exercise of such option.

131 (e) Nothing in subsection (c) of this Code section shall operate to prevent a county or
132 counties comprising a judicial circuit from continuing to provide fringe benefits to the
133 district attorney of such circuit in the same manner that such benefits were provided on
134 June 30, 2026.

135 (f) Nothing in this Code section or subsection (b) of Code Section 15-18-10 shall operate
136 to alter, amend, contract, expand, extend, limit, modify, or terminate retirement benefits
137 or rights thereto in existence prior to July 1, 2026. All district attorneys who exercise the
138 option provided by paragraph (1) of subsection (b) of Code Section 15-18-10 shall have no
139 right to any benefit existing at the time such option is exercised reduced. To the extent
140 otherwise permitted by law, each county within a judicial circuit is authorized, but not
141 required, to provide retirement benefits based upon the locality pay it provides pursuant to
142 subsection (a) of this Code section."

143

SECTION 5.

144 Code Section 45-7-4 of the Official Code of Georgia Annotated, relating to annual salaries
145 of certain state officials, cost-of-living adjustments, and base-salary of certain judges, is
146 amended by repealing and reserving paragraphs (19.2) and (21) of subsection (a) and by
147 adding a new paragraph to subsection (d) to read as follows:

148 "(3) Except as provided for in subsection (b) of Code Section 15-18-10, the annual salary
149 of each district attorney shall be set by the General Assembly in the General
150 Appropriations Act, provided that such salary shall not exceed 88 percent of the base
151 salary provided for in paragraph (1) of this subsection."

152

SECTION 6.

153 Chapter 3 of Title 1 of the Official Code of Georgia Annotated, relating to laws and statutes,
154 is amended by adding a new Code section to read as follows:

155 "1-3-13.

156 (a)(1) Notwithstanding any provision of law to the contrary, except for Code Section
157 17-12-25, as of July 1, 2026, all local laws and local ordinances or resolutions in effect
158 as of such date that provide for a salary, supplement, or other compensation to be paid to
159 a state, county, or local officer, official, or employee based on a percentage of, total
160 compensation for, or similar mathematical relationship to any district attorney's salary,
161 supplement, or other compensation shall be suspended as a matter of law with respect to
162 any increase in the salary, supplement, or other compensation paid to a district attorney
163 during the term of such suspension; provided, however, that such suspension shall not be
164 applicable to any local law or local ordinance or resolution adopted after July 1, 2026.

165 (2) During the period of the suspension provided for in paragraph (1) of this subsection:

166 (A) No change in the salary of a district attorney shall result in a change in the
167 calculation of any compensation to be paid to a state, county, or local officer, official,

168 or employee by any county, municipality, consolidated government, or other political
169 subdivision; and

170 (B) The compensation paid to any state, county, or local officer, official, or employee
171 whose compensation is expressly based on a percentage of, total compensation for, or
172 similar mathematical relationship to a district attorney's salary, supplement, or other
173 compensation shall remain at the same amount as provided at the beginning of such
174 period of suspension, unless and until such suspension terminates with respect to such
175 individual pursuant to paragraph (1) of subsection (b) of this Code section or the
176 compensation paid to any such state, county, or local officer, official, or employee is
177 modified pursuant to subsection (c) of this Code section.

178 (3) The provisions of this subsection shall not repeal or amend any local law or local
179 ordinance or resolution, but the provisions of local laws or local ordinances or resolutions
180 related to calculating compensation based on a district attorney's salary, supplement, or
181 other compensation shall be merely suspended and shall remain suspended with respect
182 to any change in such compensation until such suspension is lifted or such compensation
183 is modified pursuant to subsection (b) or (c) of this Code section with respect to a given
184 public officer, official, or employee.

185 (b)(1) As of July 1, 2027, the suspension provided for in subsection (a) of this Code
186 section shall be terminated with respect to all judges. Any salary or compensation change
187 for a judge that otherwise would have gone into effect between July 1, 2026, and
188 June 30, 2027, by operation of a local law or local ordinance or resolution if such
189 suspension had not been in effect shall become effective for calculations of such judge's
190 prospective salary or other compensation that may be earned on or after July 1, 2027,
191 unless the local law or local ordinance or resolution that provides for a salary,
192 supplement, or other compensation to be paid to such judge is repealed prior to
193 July 1, 2027, or is amended, prior to July 1, 2027, to expressly modify the terms of such
194 judge's compensation.

195 (2) The suspension provided for in subsection (a) of this Code section shall remain in
196 place for all officers, officials, and employees described in paragraph (1) of subsection (a)
197 of this Code section other than judges, unless and until the compensation payable to any
198 such other officer, official, or employee is modified pursuant to subsection (c) of this
199 Code section.

200 (3) The termination of a suspension provided for in subsection (a) of this Code section
201 shall not entitle any person to retroactive compensation that he or she otherwise may have
202 earned except for such suspension, and no such retroactive payments shall be made.

203 (c)(1) Nothing in this Code section shall operate to prevent the General Assembly from
204 at any time repealing or amending, in whole or in part, any local law that is suspended
205 pursuant to subsection (a) of this Code section, and any such repeal or amendment shall
206 become effective in the time and manner stated in the law implementing such repeal or
207 amendment, without regard to the suspension provided for in this Code section.

208 (2) Nothing in this Code section shall operate to prevent a county, municipality,
209 consolidated government, or other political subdivision from, at any time, enacting any
210 salary, supplement, or other compensation changes for any state, county, or local officer,
211 official, or employee if otherwise authorized by general or local law, and any such change
212 shall become effective in the time and manner stated in such lawful enactment, without
213 regard to the suspension provided for in this Code section.

214 (3) In no event shall any action described in paragraph (1) or (2) of this subsection:

215 (A) Authorize the payment of or entitle any district attorney to any salary supplement
216 or any locality pay in excess of the limits set forth in Code Section 15-8-10.2; or

217 (B) Authorize the payment of or entitle any person to retroactive compensation that he
218 or she otherwise may have earned except for any period of suspension.

219 (d) The General Assembly finds that increases to district attorney's compensation that
220 become effective on or after July 1, 2026, may automatically trigger increases to other
221 public officers, officials, and employees for whom existing legislation automatically ties

222 their compensation to that of district attorneys, and that these automatic increases in
223 compensation would generally result in sudden financial hardship for local governments.

224 Accordingly, it is the intent of this Code section that:

225 (1) The salary of any state, county, or local officer, official, or employee whose salary,
226 supplement, or other compensation is based on a percentage of, total compensation for,
227 or similar mathematical relationship to a district attorney's salary or supplement shall,
228 during the period of any such suspension imposed by this Code section, remain the same
229 as such salary, supplement, or other compensation was at the beginning of such period;

230 (2) Such state, county, or local officer, official, or employee shall continue to receive
231 such salary, supplement, or other compensation during the period of such suspension at
232 the same rate or amount as at the beginning of such period; and

233 (3) The amount of such salary, supplement, or other compensation shall remain
234 unchanged until the occurrence of an event described in subsections (a) through (c) of this
235 Code section, which includes:

236 (A) Such suspension being terminated pursuant to this Code section;

237 (B) With respect to a salary, supplement, or other compensation set by local law, the
238 General Assembly takes some affirmative action to set the salary, supplement, or other
239 compensation by repealing or amending, in whole or in part, any local law that is
240 suspended pursuant to subsection (a) of this Code section and such repeal or
241 amendment becomes effective; or

242 (C) With respect to a salary, supplement, or other compensation set by local ordinance
243 or resolution, the county, municipality, consolidated, or other local government takes
244 some affirmative action to set the salary, supplement, or other compensation and such
245 action becomes effective.

246 (e) This Code section shall not affect the compensation paid to any circuit public defender
247 pursuant to Code Section 17-12-25."

248

SECTION 7.

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

252 "47-23-45.

253 Any member of this retirement system shall be entitled to remain as a member by holding
254 any position or office covered by the fund and shall receive full credit for all service as a
255 member despite his or her change from one position or office to another covered by the
256 fund. Upon becoming eligible for retirement, however, retirement benefits shall be
257 determined in accordance with Code Sections 47-23-101, 47-23-102, ~~and~~ 47-23-102.1, and
258 47-23-102.2."

259

SECTION 8.

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

262 "47-23-102.1.

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

265 (b) The right of a member to receive benefits under this chapter shall vest after the member
266 obtains ten years of creditable service; provided, however, that no member shall receive
267 a retirement benefit prior to attaining the age of 60 years. Except as otherwise provided
268 in Article 2 of Chapter 1 of this title, a member's accumulated contributions shall be 100
269 percent vested and nonforfeitable at all times. Any member retiring with 16 years or more
270 of creditable service shall receive a benefit equal to 66.66 percent, plus 1 percent for each
271 year of creditable service over 16 years, of the member's salary; provided, however, that
272 no member shall receive more than 24 years of creditable service. Any member retiring
273 with less than 16 years of creditable service may retire at a reduced benefit pursuant to

274 Code Section 47-23-103. Except as provided in subsection (c) of this Code section, normal
275 retirement age under this retirement system shall be the date the member has reached 60
276 years of age, provided that he or she has at least ten years of creditable service. For
277 purposes of Section 402(1) of the federal Internal Revenue Code regarding distributions
278 from governmental plans for health and long-term care insurance for public safety officers,
279 normal retirement age shall be the earliest date when the member has satisfied the
280 requirements for a retirement under this retirement system.

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

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

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

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

297

SECTION 9.

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

299 "47-23-102.2.

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

302 (b) The right of a member to receive benefits under this chapter shall vest after the member
303 obtains ten years of creditable service; provided, however, that no member shall receive
304 a retirement benefit prior to attaining the age of 60 years. Except as otherwise provided
305 in Article 2 of Chapter 1 of this title, a member's accumulated contributions shall be 100
306 percent vested and nonforfeitable at all times. Any member retiring with 16 years or more
307 of creditable service shall receive a benefit equal to 66.66 percent, plus 1 percent for each
308 year of creditable service over 16 years, of the member's salary; provided, however, that
309 no member shall receive more than 24 years of creditable service. Any member retiring
310 with less than 16 years of creditable service may retire at a reduced benefit pursuant to
311 Code Section 47-23-103. Except as provided in subsection (c) of this Code section, normal
312 retirement age under this retirement system shall be the date the member has reached 60
313 years of age, provided that he or she has at least ten years of creditable service. For
314 purposes of Section 402(1) of the federal Internal Revenue Code regarding distributions
315 from governmental plans for health and long-term care insurance for public safety officers,
316 normal retirement age shall be the earliest date when the member has satisfied the
317 requirements for a retirement under this retirement system.

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

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

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

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

335 **SECTION 10.**

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

338 "47-23-103.

339 (a) In lieu of retirement at the benefit level provided by Code Section 47-23-102, ~~or~~
340 ~~47-23-102.1, or 47-23-102.2,~~ a member may retire at any time after attaining the age of 60
341 years and after obtaining a minimum of ten years of creditable service. The monthly
342 retirement benefit for such early retirement shall be a percentage of either the benefit under
343 Code Section 47-23-102 if such member first became a member before July 1, 2025, ~~or~~ the
344 benefit under subsection (c) of Code Section 47-23-102.1 if such member first became a
345 member ~~on or after~~ between July 1, 2025, and June 30, 2026, or the benefit under
346 subsection (c) of Code Section 47-23-102.2 if such member first became a member on or
347 after July 1, 2026, and such percentage shall be the proportion which the number of years
348 of creditable service the member has in the retirement system bears to 16.

349 (b) The effective date of retirement shall be the first day of the month in which the
350 application is received by the board of trustees, provided that no retirement shall, in any

351 case, be effective earlier than the first day of the month following the final month of the
352 applicant's employment. Applications for retirement shall not be accepted more than 90
353 days in advance of the effective date of retirement."

354

SECTION 11.

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

357 "47-23-104.

358 (a) After obtaining a minimum of four years of creditable service, any member who
359 becomes totally and permanently disabled to the extent that he or she is unable to perform
360 the duties of his or her office shall be entitled to receive a disability retirement benefit
361 which shall be one-half of the maximum retirement benefits provided by Code Section
362 47-23-102, ~~or~~ 47-23-102.1, or 47-23-102.2 for 16 years of service, unless the member
363 would otherwise qualify for a greater benefit under Code Section 47-23-102 if such
364 member first became a member before July 1, 2025, Code Section 47-23-102.1 if such
365 member first became a member ~~on or after~~ between July 1, 2025, and June 30, 2026, or
366 Code Section 47-23-102.2 if such member first became a member on or after July 1, 2026,
367 or Code Section 47-23-103, in which event the Code section providing the highest benefit
368 would apply.

369 (b) After obtaining a minimum of ten years of actual service, any member who becomes
370 totally and permanently disabled to the extent that he or she is unable to perform the duties
371 of his or her office shall be entitled to receive a disability retirement benefit which shall be
372 two-thirds of the maximum retirement benefits provided by Code Section 47-23-102, ~~or~~
373 47-23-102.1, or 47-23-102.2.

374 (c) The disability of any member applying for disability retirement benefits shall be
375 determined by the board in the same manner and under the same procedure as disability of
376 state employees is determined in accordance with the applicable provisions of the

377 Employees' Retirement System of Georgia. Disability retirement benefits shall become
378 effective on the first day of the month following the month the member resigns as a result
379 of the disability."

380

SECTION 12.

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

383 "47-23-105.1.

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

386 (b) A member may make a one-time election to convert the retirement allowance
387 otherwise payable to him or her into a modified retirement allowance of equivalent
388 actuarial value and designate a natural person to receive a survivors benefit in accordance
389 with one of the options set forth in paragraphs (1), (2), (3), or (4) of this subsection. Such
390 retirement allowance shall be actuarially reduced in accordance to the designated survivor's
391 projected life span. For any member whose benefit amount is calculated pursuant to Code
392 Section 47-23-102.1 or 47-23-102.2, such actuarial adjustment shall account for any
393 increase in the benefit amount accruing to such member when he or she attains the age of
394 65 years. Such actuarial adjustment shall be computed upon the basis of the mortality
395 tables and rates of interest last adopted by the board of trustees. Such election may be
396 made only after the member has become eligible to retire and before the first payment of
397 his or her retirement allowance normally becomes due. Such election shall be irrevocable
398 except as otherwise provided in this Code section. The options are:

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

403 (2) Option two, known as the $66 \frac{2}{3}$ percent joint and survivor option, shall consist of
404 a reduced retirement allowance which is payable during the life of the retired member and
405 which, upon his or her death, shall be continued at the rate of two-thirds the reduced
406 retirement allowance throughout the life of and paid to the designated survivor.;

407 (3) Option three, known as the 50 percent joint and survivor option, shall consist of a
408 reduced retirement allowance which is payable during the life of the retired member and
409 which, upon his or her death, shall be continued at the rate of one-half the reduced
410 retirement allowance throughout the life of and paid to the designated survivor.; and

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

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

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

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

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

433 (2) The retired member may revoke the appointment of such spouse as a beneficiary;
434 provided, however, that in such event the retirement benefit received by the retired
435 member shall not increase. Such revocation may be made at any time after the entry of
436 the final judgment of divorce. If the retired member elects to revoke the election, the
437 spouse shall be treated in the same manner as if he or she had predeceased the retired
438 member under subsection (d) of this Code section.

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

442

SECTION 13.

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

445 "47-23-106.

446 (a) Whenever any county within a judicial circuit supplements the state salary paid to
447 active superior court judges or the district attorney of said circuit, the governing authority
448 of such county shall be authorized, but not required, to supplement the benefit being paid
449 pursuant to this chapter to any retired superior court judge or district attorney of said circuit
450 who is receiving benefits pursuant to this chapter or to supplement the benefit being paid
451 pursuant to this chapter to any beneficiary of any deceased superior court judge or district
452 attorney.

453 (b) Whenever any county which has a state court supplements the salary of the judges or
454 solicitors-general of such court, the governing authority of such county shall be authorized,
455 but not required, to supplement the benefit being paid pursuant to this chapter to any retired

456 state court judge of such court who is receiving benefits pursuant to this chapter or
457 supplement the benefit being paid pursuant to this chapter to any beneficiary of any
458 deceased state court judge.

459 (c) Notwithstanding the provisions of subsection (a) or (b) of this Code section, for any
460 single county judicial circuit where the county site is located in an unincorporated area of
461 the county and the county governing authority has constructed one or more permanent
462 satellite courthouses within the county, said county shall supplement the benefit amount
463 being paid pursuant to this chapter to any district attorney who retired from such circuit.
464 The amount of the supplement shall be determined by multiplying the benefit percentage
465 he or she earned pursuant to Code Section 47-23-102 if such member first became a
466 member before July 1, 2025, ~~or~~ Code Section 47-23-102.1 if such member first became a
467 member ~~on or after~~ between July 1, 2025, and June 30, 2026, or Code Section 47-23-102.2
468 if such member first became a member on or after July 1, 2026, at retirement together with
469 the aggregate county salary supplement being paid to the active district attorney on the date
470 that he or she begins receiving a retirement benefit or the supplement paid to the retiring
471 district attorney upon his or her last day of service as district attorney, whichever is greater.
472 The supplement shall not be payable to a spouse or survivor pursuant to the provisions of
473 Code Section 47-23-105."

474 **SECTION 14.**

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

476 **SECTION 15.**

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