

House Bill 1020 (AS PASSED HOUSE AND SENATE)

By: Representatives Reeves of the 99th, Efstration of the 104th, Gunter of the 8th, Kelley of the 16th, Smith of the 18th, and others

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 revise the minimum compensation of assistant district attorneys; to preserve existing rights
10 and obligations related to retirement benefits provided by counties to district attorneys; to
11 provide for retirement benefits relative to optional locality pay; to amend Code Section
12 45-7-4 of the Official Code of Georgia Annotated, relating to annual salaries of certain state
13 officials and cost-of-living adjustments, so as to revise provisions relating to calculating and
14 setting the salaries of district attorneys; to revise superseded provisions related to the salary
15 of the judge of the state-wide tax court; to amend Chapter 3 of Title 1 of the Official Code
16 of Georgia Annotated, relating to laws and statutes, so as to suspend the operation of local
17 laws or local ordinances or resolutions that use a district attorney's salary for the calculation
18 of the salary or compensation of other officers, officials, or employees; to provide for an

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

30 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

31 **SECTION 1.**

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

34 **SECTION 2.**

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

39 "15-18-10.

40 (a) Except as provided for in subsection (b) of this Code section, each ~~Each~~ district
41 attorney shall receive an annual salary from state funds as prescribed by law. Such salary

42 shall be paid as provided in Code Sections 15-18-10.1, 15-18-10.2, and 15-18-19,
43 and 45-7-4.

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

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

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

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

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

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

78 **SECTION 3.**

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

81 **SECTION 4.**

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

83 "15-18-10.2.

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

91 Section 45-7-4 to such district attorney. All such locality pay shall be in lieu of and not in
92 addition to any county supplements previously provided by the county or counties.
93 (b) In no event shall the annual locality pay provided to a district attorney or circuit public
94 defender by the county or counties comprising a judicial circuit in aggregate exceed the
95 lesser of:
96 (1) Ten percent of the state annual salary paid to a district attorney pursuant to Code
97 Section 45-7-4; or
98 (2) The total of \$20,608.05;
99 provided, however, that, if the state annual salary paid to district attorneys exceeds
100 \$206,805.00, then the maximum allowable amount of annual locality pay provided to a
101 district attorney by the county or counties comprising a judicial circuit shall instead be
102 equal to the difference between \$20,608.05 and half the amount by which such state annual
103 salary exceeds \$206,805.00. The intent of this subsection is to provide for a gradual
104 decrease in the maximum amount of allowable locality pay as the state annual salary
105 provided by Code Section 45-7-4 to district attorneys exceeds \$206,805.00 and continues
106 to increase.
107 (c) Except as provided for in subsection (b) of Code Section 15-18-10 and subsection (d)
108 of this Code section and notwithstanding any other provision of law to the contrary, on and
109 after July 1, 2026, no county or counties comprising a judicial circuit shall provide county
110 salary supplements to a district attorney.
111 (d)(1) Nothing in subsection (c) of this Code section shall operate to prevent a county or
112 counties comprising a judicial circuit from providing a local salary supplement when the
113 district attorney of that judicial circuit enters into a contract with said county or counties
114 to act as the solicitor of a county's probate or magistrate court, or for supplements of
115 compensation for services under Code Sections 15-18-11 and 19-11-23.
116 (2) For all district attorneys who elect to exercise the option provided by paragraph (1)
117 of subsection (b) of Code Section 15-18-10, to the extent the aggregate salary provided

118 for by subsection (a) of Code Section 15-18-10 and locality pay provided for by
119 subsection (a) of this Code section to a particular district attorney do not equal or exceed
120 such district attorney's aggregate salary and local supplement in effect at the time of such
121 district attorney's exercise of such option, then the county or counties of the circuit shall
122 pay an additional supplement in the amount equal to the difference between the aggregate
123 salary and supplement in effect at the time of such district attorney's exercise of such
124 option and the aggregate salary provided for by subsection (a) of Code Section 15-18-10
125 and locality pay provided for by subsection (a) of this Code section. When an additional
126 supplement is required by this paragraph in a circuit consisting of more than one county,
127 then each county shall pay such additional supplement in proportion to each county's
128 contribution to the local supplement in effect at the time of such district attorney's
129 exercise of the option to participate. In no event shall the additional supplement required
130 by this paragraph result in a district attorney's aggregate salary that exceeds the aggregate
131 salary existing at the time of a district attorney's exercise of such option.

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

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

144 **SECTION 5.**

145 Said article is further amended in Code Section 15-18-14, relating to appointment of assistant
 146 district attorneys, qualifications, and compensation, by revising subsection (c) as follows:

147 "(c) Each attorney appointed pursuant to this Code section shall be compensated based on
 148 a salary schedule established in accordance with subsection (e) of Code Section 15-18-19.
 149 The salary range for each class established in accordance with subsection (b) of this Code
 150 section shall be as follows:

151 (1) Assistant district attorney I. Not less than ~~\$38,124.00~~ \$78,000.00 nor more than 65
 152 percent of the compensation of the district attorney;

153 (2) Assistant district attorney II. Not less than ~~\$40,884.00~~ \$93,082.00 nor more than 70
 154 percent of the compensation of the district attorney;

155 (3) Assistant district attorney III. Not less than ~~\$45,108.00~~ \$111,562.00 nor more than
 156 80 percent of the compensation of the district attorney; and

157 (4) Assistant district attorney IV. Not less than ~~\$52,176.00~~ \$134,291.00.

158 **SECTION 6.**

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

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

167 **SECTION 7.**

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

170 "1-3-13.

171 (a)(1) Notwithstanding any provision of law to the contrary, except for Code Section
172 17-12-25, as of July 1, 2026, all local laws and local ordinances or resolutions in effect
173 as of such date that provide for a salary, supplement, or other compensation to be paid to
174 a state, county, or local officer, official, or employee based on a percentage of, total
175 compensation for, or similar mathematical relationship to any district attorney's salary,
176 supplement, or other compensation shall be suspended as a matter of law with respect to
177 any increase in the salary, supplement, or other compensation paid to a district attorney
178 during the term of such suspension; provided, however, that such suspension shall not be
179 applicable to any local law or local ordinance or resolution adopted after July 1, 2026.

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

181 (A) No change in the salary of a district attorney shall result in a change in the
182 calculation of any compensation to be paid to a state, county, or local officer, official,
183 or employee by any county, municipality, consolidated government, or other political
184 subdivision; and

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

193 (3) The provisions of this subsection shall not repeal or amend any local law or local
194 ordinance or resolution, but the provisions of local laws or local ordinances or resolutions

195 related to calculating compensation based on a district attorney's salary, supplement, or
196 other compensation shall be merely suspended and shall remain suspended with respect
197 to any change in such compensation until such suspension is lifted or such compensation
198 is modified pursuant to subsection (b) or (c) of this Code section with respect to a given
199 public officer, official, or employee.

200 (b)(1) As of July 1, 2027, the suspension provided for in subsection (a) of this Code
201 section shall be terminated with respect to all judges. Any salary or compensation change
202 for a judge that otherwise would have gone into effect between July 1, 2026, and
203 June 30, 2027, by operation of a local law or local ordinance or resolution if such
204 suspension had not been in effect shall become effective for calculations of such judge's
205 prospective salary or other compensation that may be earned on or after July 1, 2027,
206 unless the local law or local ordinance or resolution that provides for a salary,
207 supplement, or other compensation to be paid to such judge is repealed prior to
208 July 1, 2027, or is amended, prior to July 1, 2027, to expressly modify the terms of such
209 judge's compensation.

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

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

218 (c)(1) Nothing in this Code section shall operate to prevent the General Assembly from
219 at any time repealing or amending, in whole or in part, any local law that is suspended
220 pursuant to subsection (a) of this Code section, and any such repeal or amendment shall

221 become effective in the time and manner stated in the law implementing such repeal or
222 amendment, without regard to the suspension provided for in this Code section.

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

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

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

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

234 (d) The General Assembly finds that increases to district attorney's compensation that
235 become effective on or after July 1, 2026, may automatically trigger increases to other
236 public officers, officials, and employees for whom existing legislation automatically ties
237 their compensation to that of district attorneys, and that these automatic increases in
238 compensation would generally result in sudden financial hardship for local governments.

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

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

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

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

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

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

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

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

263 **SECTION 8.**

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

267 "47-23-45.

268 Any member of this retirement system shall be entitled to remain as a member by holding
 269 any position or office covered by the fund and shall receive full credit for all service as a
 270 member despite his or her change from one position or office to another covered by the
 271 fund. Upon becoming eligible for retirement, however, retirement benefits shall be
 272 determined in accordance with Code Sections 47-23-101, 47-23-102, ~~and~~ 47-23-102.1, and
 273 47-23-102.2."

274

SECTION 9.

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

277 "47-23-102.1.

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

280 (b) The right of a member to receive benefits under this chapter shall vest after the member
281 obtains ten years of creditable service; provided, however, that no member shall receive
282 a retirement benefit prior to attaining the age of 60 years. Except as otherwise provided
283 in Article 2 of Chapter 1 of this title, a member's accumulated contributions shall be 100
284 percent vested and nonforfeitable at all times. Any member retiring with 16 years or more
285 of creditable service shall receive a benefit equal to 66.66 percent, plus 1 percent for each
286 year of creditable service over 16 years, of the member's salary; provided, however, that
287 no member shall receive more than 24 years of creditable service. Any member retiring
288 with less than 16 years of creditable service may retire at a reduced benefit pursuant to
289 Code Section 47-23-103. Except as provided in subsection (c) of this Code section, normal
290 retirement age under this retirement system shall be the date the member has reached 60
291 years of age, provided that he or she has at least ten years of creditable service. For
292 purposes of Section 402(1) of the federal Internal Revenue Code regarding distributions
293 from governmental plans for health and long-term care insurance for public safety officers,
294 normal retirement age shall be the earliest date when the member has satisfied the
295 requirements for a retirement under this retirement system.

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

299 (1) If a member is over the age of 65 years on his or her effective date of retirement, or
300 has attained the age of 65 years after his or her effective date of retirement, such member

301 shall receive the full amount of the benefit calculated pursuant to subsection (b) of this
 302 Code section; or

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

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

312 **SECTION 10.**

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

314 "47-23-102.2.

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

317 (b) The right of a member to receive benefits under this chapter shall vest after the member
 318 obtains ten years of creditable service; provided, however, that no member shall receive
 319 a retirement benefit prior to attaining the age of 60 years. Except as otherwise provided
 320 in Article 2 of Chapter 1 of this title, a member's accumulated contributions shall be 100
 321 percent vested and nonforfeitable at all times. Any member retiring with 16 years or more
 322 of creditable service shall receive a benefit equal to 66.66 percent, plus 1 percent for each
 323 year of creditable service over 16 years, of the member's salary; provided, however, that
 324 no member shall receive more than 24 years of creditable service. Any member retiring
 325 with less than 16 years of creditable service may retire at a reduced benefit pursuant to
 326 Code Section 47-23-103. Except as provided in subsection (c) of this Code section, normal

327 retirement age under this retirement system shall be the date the member has reached 60
328 years of age, provided that he or she has at least ten years of creditable service. For
329 purposes of Section 402(1) of the federal Internal Revenue Code regarding distributions
330 from governmental plans for health and long-term care insurance for public safety officers,
331 normal retirement age shall be the earliest date when the member has satisfied the
332 requirements for a retirement under this retirement system.

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

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

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

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

350 **SECTION 11.**

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

353 "47-23-103.

354 (a) In lieu of retirement at the benefit level provided by Code Section 47-23-102, ~~or~~
355 47-23-102.1, or 47-23-102.2, a member may retire at any time after attaining the age of 60
356 years and after obtaining a minimum of ten years of creditable service. The monthly
357 retirement benefit for such early retirement shall be a percentage of either the benefit under
358 Code Section 47-23-102 if such member first became a member before July 1, 2025, ~~or~~ the
359 benefit under subsection (c) of Code Section 47-23-102.1 if such member first became a
360 member ~~on or after~~ between July 1, 2025, and June 30, 2026, or the benefit under
361 subsection (c) of Code Section 47-23-102.2 if such member first became a member on or
362 after July 1, 2026, and such percentage shall be the proportion which the number of years
363 of creditable service the member has in the retirement system bears to 16.

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

369

SECTION 12.

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

372 "47-23-104.

373 (a) After obtaining a minimum of four years of creditable service, any member who
374 becomes totally and permanently disabled to the extent that he or she is unable to perform
375 the duties of his or her office shall be entitled to receive a disability retirement benefit
376 which shall be one-half of the maximum retirement benefits provided by Code Section
377 47-23-102, ~~or~~ 47-23-102.1, or 47-23-102.2 for 16 years of service, unless the member
378 would otherwise qualify for a greater benefit under Code Section 47-23-102 if such

379 member first became a member before July 1, 2025, Code Section 47-23-102.1 if such
 380 member first became a member ~~on or after~~ between July 1, 2025, and June 30, 2026, or
 381 Code Section 47-23-102.2 if such member first became a member on or after July 1, 2026,
 382 or Code Section 47-23-103, in which event the Code section providing the highest benefit
 383 would apply.

384 (b) After obtaining a minimum of ten years of actual service, any member who becomes
 385 totally and permanently disabled to the extent that he or she is unable to perform the duties
 386 of his or her office shall be entitled to receive a disability retirement benefit which shall be
 387 two-thirds of the maximum retirement benefits provided by Code Section 47-23-102, ~~or~~
 388 47-23-102.1, or 47-23-102.2.

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

395 **SECTION 13.**

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

398 "47-23-105.1.

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

401 (b) A member may make a one-time election to convert the retirement allowance
 402 otherwise payable to him or her into a modified retirement allowance of equivalent
 403 actuarial value and designate a natural person to receive a survivors benefit in accordance
 404 with one of the options set forth in paragraphs (1), (2), (3), or (4) of this subsection. Such

405 retirement allowance shall be actuarially reduced in accordance to the designated survivor's
406 projected life span. For any member whose benefit amount is calculated pursuant to Code
407 Section 47-23-102.1 or 47-23-102.2, such actuarial adjustment shall account for any
408 increase in the benefit amount accruing to such member when he or she attains the age of
409 65 years. Such actuarial adjustment shall be computed upon the basis of the mortality
410 tables and rates of interest last adopted by the board of trustees. Such election may be
411 made only after the member has become eligible to retire and before the first payment of
412 his or her retirement allowance normally becomes due. Such election shall be irrevocable
413 except as otherwise provided in this Code section. The options are:

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

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

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

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

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

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

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

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

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

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

457 **SECTION 14.**

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

460 "47-23-106.

461 (a) Whenever any county within a judicial circuit supplements the state salary paid to
462 active superior court judges or the district attorney of said circuit, the governing authority
463 of such county shall be authorized, but not required, to supplement the benefit being paid
464 pursuant to this chapter to any retired superior court judge or district attorney of said circuit
465 who is receiving benefits pursuant to this chapter or to supplement the benefit being paid
466 pursuant to this chapter to any beneficiary of any deceased superior court judge or district
467 attorney.

468 (b) Whenever any county which has a state court supplements the salary of the judges or
469 solicitors-general of such court, the governing authority of such county shall be authorized,
470 but not required, to supplement the benefit being paid pursuant to this chapter to any retired
471 state court judge of such court who is receiving benefits pursuant to this chapter or
472 supplement the benefit being paid pursuant to this chapter to any beneficiary of any
473 deceased state court judge.

474 (c) Notwithstanding the provisions of subsection (a) or (b) of this Code section, for any
475 single county judicial circuit where the county site is located in an unincorporated area of
476 the county and the county governing authority has constructed one or more permanent
477 satellite courthouses within the county, said county shall supplement the benefit amount
478 being paid pursuant to this chapter to any district attorney who retired from such circuit.
479 The amount of the supplement shall be determined by multiplying the benefit percentage
480 he or she earned pursuant to Code Section 47-23-102 if such member first became a
481 member before July 1, 2025, ~~or~~ Code Section 47-23-102.1 if such member first became a
482 member ~~on or after~~ between July 1, 2025, and June 30, 2026, or Code Section 47-23-102.2
483 if such member first became a member on or after July 1, 2026, at retirement together with

484 the aggregate county salary supplement being paid to the active district attorney on the date
485 that he or she begins receiving a retirement benefit or the supplement paid to the retiring
486 district attorney upon his or her last day of service as district attorney, whichever is greater.
487 The supplement shall not be payable to a spouse or survivor pursuant to the provisions of
488 Code Section 47-23-105."

489 **SECTION 15.**

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

491 **SECTION 16.**

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