

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

# A Bill

HOUSE BILL 1202

5 By: Representative Shepherd  
6

## For An Act To Be Entitled

8 AN ACT CONCERNING THE MANDATORY LOSS OF RETIREMENT  
9 BENEFITS FOR MEMBERS OF THE ARKANSAS JUDICIAL  
10 RETIREMENT SYSTEM; AND FOR OTHER PURPOSES.  
11

## Subtitle

12 CONCERNING THE MANDATORY LOSS OF  
13 RETIREMENT BENEFITS FOR MEMBERS OF THE  
14 ARKANSAS JUDICIAL RETIREMENT SYSTEM.  
15  
16  
17  
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
20

21 SECTION 1. Arkansas Code § 24-8-101(a), concerning a previously  
22 retired justice, is amended to read as follows:

23 (a) ~~Any A~~ judge or justice under the age of ~~seventy-(70)~~ seventy-two  
24 (72) who is receiving retirement benefits under § 24-8-201 et seq. or § 24-8-  
25 701 et seq., who is elected or appointed to any judicial office in this  
26 state, and who foregoes receipt of retirement benefits while serving in the  
27 judicial office shall be entitled to resume receiving his or her previous  
28 retirement benefits upon termination of the subsequent service.  
29

30 SECTION 2. Arkansas Code § 24-8-215(c), concerning eligibility for  
31 benefits and retirement generally, is amended to read as follows:

32 (c)(1) Any judge or justice who becomes ~~seventy-(70)~~ seventy-two (72)  
33 years of age during a term of office to which he has been elected may  
34 complete the term without forfeiting his or her rights to retirement benefits  
35 under this section.

36 (2)(A) Any judge or justice who is not eligible to retire at age



1 ~~seventy (70)~~ seventy-two (72) may continue to serve as judge until the  
 2 completion of the term of office in which he or she receives sufficient  
 3 credited service to retire without losing his or her retirement benefits.

4 (B) The judge or justice shall lose all retirement  
 5 benefits if he or she serves beyond the end of the term needed to get  
 6 sufficient credited service to retire.

7 (3)(A) Otherwise, judges or justices must retire by their  
 8 ~~seventieth~~ seventieth-second birthday or lose their retirement benefits.

9 (B) However, any active judge or justice who was serving  
 10 prior to July 1, 1965, may continue to serve until any age and shall, upon  
 11 retirement, be eligible to receive retirement benefits.

12  
 13 SECTION 3. Arkansas Code § 24-8-218(c)(4)(A), concerning retirement  
 14 and survivors' benefits generally, is amended to read as follows:

15 (4)(A) ~~Any~~ A judge or justice under the age of ~~seventy (70)~~  
 16 seventy-two (72) who is receiving retirement benefits under this subchapter  
 17 or § 24-8-701 et seq. and who is elected or appointed to any judicial office  
 18 in this state and who foregoes receipt of retirement benefits while serving  
 19 in the judicial office shall be entitled to resume receiving his or her  
 20 previous retirement benefits upon termination of the subsequent service.

21  
 22 SECTION 4. Arkansas Code § 24-8-224(a), concerning retirement benefits  
 23 for service past the mandatory retirement age, is amended to read as follows:

24 (a) Notwithstanding § 24-8-215 regarding mandatory retirement under  
 25 the Arkansas Judicial Retirement System for ~~any~~ a judge or justice upon  
 26 reaching ~~seventy (70)~~ seventy-two (72) years of age or any other law to the  
 27 contrary, ~~any~~ a judge or justice covered under the system who served  
 28 continuously for at least sixteen (16) years, who is at least eighty (80)  
 29 years of age, who is not serving on April 19, 1995, and who is ineligible for  
 30 retirement due to having served beyond the mandatory retirement age shall be  
 31 entitled to receive retirement benefits under the system.

32  
 33 SECTION 5. Arkansas Code § 24-8-710(b)(1) and (2), concerning  
 34 eligibility for benefits and retirement generally, is amended to read as  
 35 follows:

36 (b)(1) ~~Any~~ A judge or justice who becomes ~~seventy (70)~~ seventy-two

1 (72) years of age during a term of office to which he or she has been elected  
2 may complete the term without forfeiting his or her rights to retirement  
3 benefits under this section.

4 (2)(A) ~~Any~~ A judge or justice who is not eligible to retire at  
5 age ~~seventy (70)~~ seventy-two (72) may continue to serve as judge or justice  
6 until the completion of the term of office in which he or she has sufficient  
7 service to retire without losing his or her retirement benefits.

8 (B) The judge or justice shall lose all retirement  
9 benefits if he or she serves beyond the end of the term needed to get  
10 sufficient service to retire.

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36