

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013

A Bill

SENATE BILL 201

4
5 By: Senator B. Sample

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 WHO SEEK OFFICE AFTER REACHING
11 SEVENTY (70) YEARS OF AGE; AND FOR OTHER PURPOSES.

Subtitle

15 CONCERNING THE MANDATORY LOSS OF
16 RETIREMENT BENEFITS FOR MEMBERS OF THE
17 ARKANSAS JUDICIAL RETIREMENT SYSTEM WHO
18 SEEK OFFICE AFTER REACHING SEVENTY (70)
19 YEARS OF AGE.

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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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

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

32
33 SECTION 2. Arkansas Code § 24-8-215(c), concerning eligibility for
34 benefits and retirement generally, is repealed.

35 ~~(c)(1) Any judge or justice who becomes seventy (70) years of age~~
36 ~~during a term of office to which he has been elected may complete the term~~



1 without forfeiting his rights to retirement benefits under this section.

2 ~~(2)(A) Any judge or justice who is not eligible to retire at age~~
 3 ~~seventy (70) may continue to serve as judge until the completion of the term~~
 4 ~~of office in which he receives sufficient credited service to retire without~~
 5 ~~losing his retirement benefits.~~

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

9 ~~(3)(A) Otherwise, judges or justices must retire by their~~
 10 ~~seventieth birthday or lose their retirement benefits.~~

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

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

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

23
 24 SECTION 4. Arkansas Code § 24-8-224 is repealed.

25 ~~24-8-224. Benefits when serving past mandatory retirement age.~~

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

34 ~~(b) Retirement benefits under this section shall be retroactive to~~
 35 ~~January 1, 1995, or, for judges or justices retiring after 1995, to January 1~~
 36 ~~of the year of retirement.~~

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SECTION 5. Arkansas Code § 24-8-710(b), concerning eligibility for benefits and retirement generally, is repealed.

~~(b)(1) Any judge or justice who becomes seventy (70) years of age during a term of office to which he or she has been elected may complete the term without forfeiting his or her rights to retirement benefits under this section.~~

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

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

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

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