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SENATE BILL NO. 151

Offered January 12, 2000

A BILL to amend and reenact § 51.1-305 of the Code of Virginia, relating to mandatory retirement under Judicial Retirement System.

Patron—Stolle

Referred to Committee on Finance

Be it enacted by the General Assembly of Virginia:**1. That § 51.1-305 of the Code of Virginia is amended and reenacted as follows:**

§ 51.1-305. Service retirement generally.

A. Normal retirement. - Any member in service at his normal retirement date with five or more years of creditable service may retire upon written notification to the Board setting forth the date the retirement is to become effective.

B. Early retirement. - Any member in service who has either (i) attained his fifty-fifth birthday with five or more years of creditable service or (ii) in the case of a member of any of the previous systems immediately prior to July 1, 1970, complied with the requirements for retirement set forth under the provisions of such previous system as in effect immediately prior to July 1, 1970, may retire upon written notification to the Board setting forth the date the retirement is to become effective.

B1. Mandatory retirement. - ~~Any~~ Except as hereinafter provided, any member who attains seventy years of age shall be retired twenty days after the convening of the next regular session of the General Assembly. The provisions of this subsection shall apply only to those members who are elected or appointed to an original or subsequent term commencing after July 1, 1993. However, the provisions of this subsection shall not apply to any member who is a justice of the Supreme Court of Virginia or a judge of the Court of Appeals of Virginia on July 1, 2000, nor to any justice or judge elected to either such Court after July 1, 2000.

C. Deferred retirement for members terminating service. - Any member who terminates service after five or more years of creditable service, may retire under the provisions of subsection A or B of this section, if he has not withdrawn his accumulated contributions prior to the effective date of his retirement or if he has five or more years of creditable service for which his employer has paid the contributions and such contributions cannot be withdrawn. For the purposes of this subsection, any requirements as to the member being in service shall not apply. No member shall be entitled to the benefits of this subsection if his appointing authority certifies that his service was terminated because of dishonesty, malfeasance, or misfeasance in office. The certification may be appealed to the Board.

D. Effective date of retirement. - The effective date of retirement shall be after the last day of service of the member, but shall not be more than ninety days prior to the filing of the notice of retirement.

E. Notification of retirement. - In addition to the notice to the Board required by this section, the same notice shall be given by the member to his appointing authority. If a member is physically or mentally unable to submit written notification of his intention to retire, the member's appointing authority may submit notification to the Board on his behalf.

INTRODUCED

SB151