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SENATE BILL NO. 1324

Offered January 14, 2015

A BILL to amend and reenact § 51.1-305 of the Code of Virginia, relating to judges; mandatory retirement.

Patron—Vogel

Referred to Committee for Courts of Justice

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 the member's 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 55 years of age 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 member who attains 70 years of age shall be retired 20 days after the convening of the next regular session of the General Assembly. However, if the mandatory retirement provisions of this subdivision would require a member of the State Corporation Commission to be retired before the end of his elected term and such retirement would occur during a session of the General Assembly in which the General Assembly is required, pursuant to § 12.1-6, to elect another member or members of the State Corporation Commission to serve either a regular term or a portion of a regular term, such member who otherwise would be subject to the mandatory retirement provisions of this subdivision shall be retired upon the first to occur of (i) the expiration of the term to which he was elected or (ii) , unless the General Assembly authorizes the member to continue serving the current term or upon expiration of the current term elects such member to an additional term. If so authorized or elected, such member shall be retired 20 days after the commencing of the regular session of the General Assembly that immediately follows the date such member attains 72 73 years of age. 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.

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 the member has not withdrawn his the accumulated contributions prior to the effective date of his the member's retirement or if he the member has five or more years of creditable service for which his the member's 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.

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 90 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 the member's appointing authority. If a member is physically or mentally unable to submit written notification of his the intention to retire, the member's appointing authority may submit notification to the Board on his the member's behalf.

INTRODUCED

SB1324