

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
94th General Assembly  
Regular Session, 2023

# A Bill

SENATE BILL 77

By: Senator Hickey  
By: Representative Dalby

## For An Act To Be Entitled

AN ACT TO AMEND THE LAWS OF THE ARKANSAS JUDICIAL RETIREMENT SYSTEM REGARDING A JUDGE OR JUSTICE'S ABILITY TO SERVE BEYOND THE AGE OF SEVENTY AND MAINTAIN HIS OR HER RIGHTS TO RETIREMENT BENEFITS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

## Subtitle

TO AMEND THE LAWS OF THE ARKANSAS JUDICIAL RETIREMENT SYSTEM REGARDING A JUDGE OR JUSTICE'S ABILITY TO SERVE BEYOND THE AGE OF SEVENTY AND MAINTAIN HIS OR HER RIGHTS TO RETIREMENT BENEFITS; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 24-8-215(c), concerning a judge or justice's service beyond the age of seventy and his or her ability to retain rights to retirement benefits under the Arkansas Judicial Retirement System, is repealed.

~~(c)(1) A judge or justice who is not seventy (70) years of age on the date on which he or she is elected to a term of office 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 until the completion of the term~~



~~of office in which he or she receives sufficient credited 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 credited service to retire.~~

SECTION 2. Arkansas Code § 24-8-218(c)(4)(A), concerning a judge or justice's entitlement to resume receiving previous retirement benefits upon termination of subsequent service, is amended to read as follows:

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

SECTION 3. Arkansas Code § 24-8-224 is repealed.

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

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

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

SECTION 4. Arkansas Code § 24-8-710(b), concerning a judge or justice's service beyond the age of 70 and his or her ability to retain rights to retirement benefits under the Arkansas Judicial Retirement System, 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.~~

SECTION 5. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that certain provisions of the Arkansas Code concerning the Arkansas Judicial Retirement System, a state retirement plan created by the General Assembly for the purpose of providing retirement benefits to judges and justices of the state, are in need of revision to conform to sound public pension policy; that the Arkansas Judicial Retirement System operates through a fiscal year of July 1 to June 30; that having a July 1, 2023 effective date is necessary to allow the provisions within this act to begin on the first day of the fiscal year in order to provide proper administration of the procedures within this act; that these revisions are of importance for actuarial purposes and to protect the benefits to members of the Arkansas Judicial Retirement System; and that the effect of this act is necessary in order to maintain an orderly system of benefits for the members of the Arkansas Judicial Retirement System. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of public peace, health, and safety shall become effective on July 1, 2023.