

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 530

By Senator Woodrum

[Introduced January 31, 2023; referred
to the Committee on Pensions; and then to the
Committee on Finance]

1 A BILL to amend and reenact §51-9-6a of the Code of West Virginia 1931, as amended, relating to
2 expanding those who may be eligible for judicial retirement.

Be it enacted by the Legislature of West Virginia:

ARTICLE 9. RETIREMENT SYSTEM FOR JUDGES OF COURTS OF RECORD.

§51-9-6a. Eligibility benefits; service and retirement of judges over sixty-five years of age.

1 (a) Any judge of a court of record of this state who shall have served for a period of not less
2 than eight full years after attaining the age of sixty-five years and who shall have made payments
3 into the Judges' Retirement Fund as provided in this article for each month during which he or she
4 served as such judge following the effective date of this section, shall be subject to all the
5 applicable terms and provisions of this article, not inconsistent with the provisions hereof, and shall
6 receive retirement benefits in an amount equal to seventy-five percent of the annual salary of the
7 office from which he or she has retired based upon such salary of such office as such salary may
8 be changed from time to time during the period of his or her retirement and the amount of his or her
9 retirement benefits shall be based upon and be equal to seventy-five percent of the highest annual
10 salary of such office for any one calendar year during the period of his or her retirement and shall
11 be payable in monthly installments. If such judge shall become incapacitated to perform his or her
12 said duties before the expiration of his or her said term and after serving for six years thereof, and
13 upon the acceptance of his or her resignation as in this article provided, he or she shall be paid the
14 annual retirement benefits as herein provided so long as he or she shall live. The provisions of this
15 section shall prevail over any language to the contrary in this article contained, except those
16 provisions of sections twelve-a and twelve-b of this article: *Provided*, That no individual who is
17 appointed or elected for the first time as judge of a court of record of this state after July 1, 2005, is
18 eligible for retirement under this ~~section~~ subsection; and

19 (b) *Provided further*, That any individual who is appointed or elected for the first time as a
20 family court judge, a judge of a court of record, judge of the Intermediate Court of Appeals, or as
21 justice of Supreme Court of Appeals of West Virginia, of this state after July 1, 2005, who, having

22 attained the age of sixty-five years, and who shall have served as a sitting judge of said court or
23 courts for a period of not less than twelve full years, and who shall have made payments into the
24 Judges' Retirement Fund as provided in this article for each month during which he or she served
25 as judge or justice, shall be eligible to receive the pension to which he or she would otherwise have
26 been entitled to receive as if at sixteen years of credited service, but with an actuarial reduction of
27 pension benefit to be established as a reduced annuity receivable throughout retirement, and shall
28 be paid as an annual retirement benefit as herein provided so long as he or she shall live.

NOTE: The purpose of this bill is to expand the availability of those who qualify for judicial retirement.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.