

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 530**

By Senators Woodrum and Nelson

[Originating in the Committee on Pensions; reported  
on February 16, 2023]

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; and allowing judges first  
3 appointed or elected after July 1, 2005, with 12 years of service contributing to the Judges'  
4 Retirement System to receive retirement benefits.

*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~~ 65 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~~ 65 years, and who shall have made  
3 payments into the Judges' Retirement Fund as provided in this article for each month during which  
4 he or she 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~~ 75 percent of the annual salary of  
7 the office from which he or she has retired based upon such salary of such office as such salary  
8 may be changed from time to time during the period of his or her retirement, and the amount of his  
9 or her retirement benefits shall be based upon and be equal to ~~seventy-five~~ 75 percent of the  
10 highest annual salary of such office for any one calendar year during the period of his or her  
11 retirement and shall be payable in monthly installments. If such judge shall become incapacitated  
12 to perform his or her said duties before the expiration of his or her said term and after serving for  
13 six years thereof, and upon the acceptance of his or her resignation as in this article provided, he  
14 or she shall be paid the annual retirement benefits as herein provided so long as he or she shall  
15 live. The provisions of this section shall prevail over any language to the contrary in this article  
16 contained, except those provisions of ~~sections twelve-a and twelve-b of this article~~ §51-9-12a and  
17 §51-9-12b of this code: *Provided*, That no individual who is appointed or elected for the first time  
18 as judge of a court of record of this state after July 1, 2005, is eligible for retirement under this

19 ~~section~~ subsection; and

20 (b) *Provided further*, That any individual who is appointed or elected for the first time as a  
21 family court judge, a judge of a court of record, judge of the Intermediate Court of Appeals, or as  
22 justice of Supreme Court of Appeals of West Virginia, of this state after July 1, 2005, who, having  
23 attained the age of 65 years, and who shall have served as a sitting judge of said court or courts for  
24 a period of not less than 12 full years, and who shall have made payments into the Judges'  
25 Retirement Fund as provided in this article for each month during which he or she served as judge  
26 or justice, shall be eligible to receive the pension to which he or she would otherwise have been  
27 entitled to receive as if at 16 years of credited service, but with an actuarial reduction of pension  
28 benefit to be established as a reduced annuity receivable throughout retirement, and shall be paid  
29 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.