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SENATE BILL NO. 83

Offered January 12, 2022

Prefiled January 5, 2022

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

Patron—Stanley

Referred to Committee on the Judiciary

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 member who attains 73 75 years of age shall be retired 20 days after the convening of the next regular session of the General Assembly following his ~~seventy-third~~ *seventy-fifth* birthday.

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years of creditable service may retire under the provisions of subsection A or B of ~~this section~~, if he has not withdrawn his accumulated contributions prior to the effective date of his retirement or if he has five or more years of creditable service for which his employer has paid the contributions and such contributions cannot be withdrawn.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.

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 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.

2. That any sitting judge who has attained 73 years of age and is subject to mandatory retirement during the 2022 Regular Session of the General Assembly, and who submitted a notice of retirement on or after July 1, 2021, but has not already retired, may revoke his notice of retirement by written request to the Board and appointing authority. Any certification of need to fill the vacancy previously determined by the Judicial Council or Committee on District Courts based on the original notice of retirement shall subsequently be revoked.

3. That an emergency exists and this act is in force from its passage.

INTRODUCED

SB83