

BILL ANALYSIS

Senate Research Center
78R11205 RCJ-F

H.B. 820
By: Grusendorf (Jackson)
Jurisprudence
5/22/2003
Engrossed

DIGEST AND PURPOSE

Current Texas law regarding state judicial retirement allows for three different ways to retire: Plan I (10 years of service) and Plan II (12 years of service), both of which require a participant to attain the age of 65 in order to qualify for retirement, and a third way which allows a participant to retire with 20 years of service regardless of age. However, the difference between qualifications to serve on a district bench and qualifications to serve on an appellate bench work against the appellate court judge in terms of acquiring retirement benefits from the state.

In order to serve on the appellate benches in Texas, lawyers must have obtained 10 years of experience as opposed to only five years of experience required to serve on district benches. Additionally, most persons who are elected to the appellate bench do so later in their legal careers. Finally, it is possible for some judges to have attained the 20-year requirement to retire under the third option mentioned above at the age of 48 or 49 as opposed to the age of 65 as required by Plan I and Plan II. H.B. 820 allows judicial retirement with an age of at least 55 years of age and at least 20 years of service.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 839.101(a), Government Code, to provide that a member is eligible to retire and receive a service retirement annuity if the member meets certain criteria, including is at least 55 years old and has at least 20 years of service credited in the retirement system, regardless of whether the member currently holds a judicial office.

SECTION 2. Effective date: September 1, 2003.