

# WEST VIRGINIA LEGISLATURE

## 2024 REGULAR SESSION

Introduced

### Senate Bill 263

FISCAL  
NOTE

By Senator Woodrum

[Introduced January 11, 2024; 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.

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

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