SPONSOR: Sen. Gay & Sen. Brown & Rep. Lynn
Sens. Hansen, Lopez, Pettyjohn, Poore, Sokola, Walsh;
Reps. Bush, Gray, Griffith, Smyk

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE BILL NO. 234

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO COMPENSATION FOR CERTAIN RETIRED JUDICIAL OFFICERS ACCEPTING AN ACTIVE DUTY DESIGNATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 5610, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5610 Assignment of retired judges to active duty.

(a) (1) Any judge retired from a statutorily created court and receiving a judicial pension may be designated by the Chief Justice of the Supreme Court to perform such judicial duties in any court where such retired judge could serve if such retired judge still held the judicial position from which the judge retired; provided, however, that such retired judge assents to such designation and provided further that such retired judge is not actively engaged in the practice of law.

(2) Any justice, judge, chancellor or vice chancellor who is retired and receiving a judicial pension may be designated by the Chief Justice of the Supreme Court pursuant to a constitutional or statutory authority to sit temporarily in the court from which the justice, judge, chancellor or vice chancellor retired or in any other court to which the justice, judge, chancellor or vice chancellor could be designated under the Constitution and statutes of the State if the justice, judge, chancellor or vice chancellor still held the judicial position from which the justice, judge, chancellor or vice chancellor retired and if the retired justice, judge, chancellor or vice chancellor assents to such designation, and is not actively engaged in the practice of law. However, no former justice, judge, chancellor or vice chancellor shall be designated to sit in the Supreme Court except temporarily to fill up the number of that Court to the required quorum.

(b) Any retired justice, judge, chancellor or vice chancellor accepting an active duty designation pursuant to the constitutional or statutory authorization shall be compensated on a per diem basis ~~of $250 per day~~ on the formula representing 1/365 of the annual salary for such a retired justice, judge, chancellor or vice chancellor, but in no event shall the total compensation received on a per diem basis when added to the retirement pay exceed the then current annual salary of the judicial position from which such justice, judge, chancellor or vice chancellor has retired. In addition, each retired

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justice, judge, chancellor or vice chancellor so serving shall receive reimbursement for expenses for travel or secretarial services necessarily incurred for the performance of such active duty.

SYNOPSIS

This Act updates the per diem compensation of any retired justice, judge, chancellor or vice chancellor accepting an active duty designation from $250 per day to 1/365 of the annual salary for such a judicial officer. This is consistent with the per diem compensation provided to retired justices of the peace and commissioners of the Superior Court, the Family Court, and the Court of Common Pleas accepting an active duty designation.

Author: Senator Gay