

WHO DECIDES TO ENGAGE IN THE PRACTICE OF LAW MAY NOTIFY THE GOVERNOR AND COMPTROLLER OF THE TREASURY OF SUCH FACT, AND ON THE INDICATED DATE OF HIS ENGAGING IN THE PRACTICE OF LAW HIS BENEFITS UNDER THIS SECTION SHALL CEASE AND NO LONGER BE PAID; AND SUCH A JUDGE SHALL NEVER AGAIN BE PAID SUCH BENEFITS. IN THE EVENT THAT A RETIRED JUDGE WHO HAS NEVER BEEN PAID BENEFITS UNDER THIS SECTION AND WHO HAS BEEN ENGAGED IN THE PRACTICE OF LAW SHOULD THEREAFTER RELINQUISH SUCH PRACTICE AND NOTIFY THE GOVERNOR AND COMPTROLLER OF THE TREASURY OF SUCH FACT, THEN FROM AND AFTER THE DATE OF SUCH NOTIFICATION, THE JUDGE SHALL BE ENTITLED TO ALL THE BENEFITS PROVIDED BY THIS SECTION. AN ELECTED JUDGE WHO BECAUSE OF INCAPACITATING ILLNESS IS REQUIRED TO RESIGN HIS POSITION PRIOR TO REACHING HIS 60TH BIRTHDAY SHALL BE ENTITLED TO BENEFITS UNDER THE PROVISIONS OF THIS SECTION, BUT IN NO EVENT IN A SUM GREATER THAN WAS PROVIDED IN THIS SECTION AT THE TIME HE RESIGNED; AND EXCEPT FOR A JUDGE WHO HAS RESIGNED OR WHO RESIGNS BECAUSE OF INCAPACITATING ILLNESS, NO OTHER JUDGE WHO HAS RESIGNED OR WHO RESIGNS PRIOR TO REACHING HIS 60TH BIRTHDAY IS ENTITLED TO ANY BENEFITS UNDER THE PROVISIONS OF THIS SECTION.

(L) THE SURVIVING SPOUSE OF EVERY JUDGE DESCRIBED IN SUBSECTION (A) OF THIS SECTION WHO DIES IN ACTIVE SERVICE SHALL BE PAID ONE HALF OF THE PENSION OR SALARY THE JUDGE WOULD HAVE RECEIVED IF HIS SERVICE HAD BEEN TERMINATED BY RETIREMENT AND FOR THIS PURPOSE ONLY, THE AGE OF THE JUDGE IS NOT TO BE CONSIDERED; THE SURVIVING SPOUSE OF ANY JUDGE ELIGIBLE FOR RETIREMENT PENSION WHO DIES AFTER RETIRING SHALL BE PAID ONE HALF OF THE PENSION OR SALARY TO WHICH THE JUDGE WAS ENTITLED AT THE TIME OF HIS DEATH. IN DETERMINING THE AMOUNT WHICH ANY SURVIVING SPOUSE IS ENTITLED TO BE PAID AFTER JUNE 1, 1963, THE PENSION OF THE DECEASED JUDGE SHALL BE CALCULATED AT THE RATES PRESCRIBED BY SUBSECTION (A) OF THIS SECTION, AS OF THAT DATE, NOTWITHSTANDING THAT SUCH JUDGE MAY HAVE DIED PRIOR THERETO. IN EACH INSTANCE THE PENSION IS TO BE PAID TO THE SURVIVING SPOUSE UNTIL HIS REMARRIAGE OR DEATH. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY IN THE CASE OF A SURVIVING SPOUSE WHO WAS MARRIED TO THE JUDGE FOR A PERIOD LESS THAN THREE YEARS AND TO A RETIRED JUDGE FOR A PERIOD LESS THAN THREE YEARS BEFORE HIS RETIREMENT.

(M) ANY ELECTION PROVIDED BY THIS SECTION IS ALTERNATIVE TO AND NOT IN SUBSTITUTE FOR THE ELECTION PROVIDED BY §62 OF THIS ARTICLE.