

FOR the purpose of requiring that military pensions be considered in a certain manner by a court when determining property disposition in divorce and annulment.

BY renumbering

Article - Courts and Judicial Proceedings  
Section 3-6A-07  
 to be Section 3-6A-08  
Annotated Code of Maryland  
(1980 Replacement Volume and 1982 Supplement)

~~BY repealing and reenacting, with amendments,~~

~~Article---Courts-and-Judicial-Proceedings~~  
~~Section-3-6A-01(e)-and-3-6A-05~~

BY adding to

Article - Courts and Judicial Proceedings  
Section 3-6A-07  
Annotated Code of Maryland  
(1980 Replacement Volume and 1982 Supplement)

#### Preamble

~~WHEREAS,--The--Maryland--Court--of--Appeals--and--the--Court--of--Special--Appeals--have--decided--that--pension--and--retirement--benefits--are--marital--property--under--the--State--Marital--Property--Act--and--therefore--subject--to--an--equitable--distribution--between--the--spouse--when--the--marriage--is--dissolved,--and~~

~~WHEREAS,--However,--the--Maryland--Court--of--Appeals,--in--Hill--v--Hill,--291--Md.---615,--436-A,--2D--67--(1981),--deferred--to--the--United--States--Supreme--Court's--holding--in--McCarty--v--McCarty,--453--U.---S.---210--(1981)--that--federal--law--on--military--retirement--benefits--precludes--a--state--court--from--dividing--military--retirement--pay--pursuant--to--state--community--property--laws,--and~~

~~WHEREAS,--The--97th--Congress--has--responded--to--the--decision--of--the--Supreme--Court--by--passing--the--"Uniformed--Services--Former--Spouses'--Protection--Act,"--10--U. S. C. --§--1408,--effective--Feb. --17--1983,--and~~

~~WHEREAS,--The--Uniformed--Services--Former--Spouses'--Protection--Act--permits--state--courts--to--treat--disposable--military--pensions,--retirement--benefits--or--retainer--pay--payable--to--a--service--member--for--pay--periods--beginning--after--June--25,--1981,--either--as--property--solely--of--the--member--or--as--property--of--the--member--and--the--member's--spouse--in--accordance--with--state--law,--and~~

~~WHEREAS,--It--is--the--policy--of--this--State--and--this--General--Assembly--to--protect--former--spouses--by--acknowledging--and--carefully~~