

**Article - State Personnel and Pensions**

~~23-309.~~

~~(e) (1) This subsection applies only to a member who is:~~

~~(i) subject to the contributory pension benefit under Subtitle 2, Part II of this title; and~~

~~(ii) entitled to eligibility service for military service credit granted under Title 38 of this article.~~

~~(2) The Board of Trustees shall adjust a member's eligibility service for military service credit granted under Title 38 of this article as provided in this subsection.~~

~~[(3) (i) Except as provided in subparagraph (ii) of this paragraph, a member's eligibility service for military service credit shall be treated as creditable service on or after July 1, 1998.~~

~~(ii) The Board of Trustees shall treat a member's military service credit as creditable service on or before June 30, 1998, if the member:~~

~~1. is entitled to credit for the military service under § 38-103 of this article on account of the member's absence from employment while in military service on or before June 30, 1998; or~~

~~2. received credit for the military service under § 38-104 of this article on or before June 30, 1998, as reflected in the records of the State Retirement Agency.]~~

~~38-104.~~

(a) (1) THIS SECTION APPLIES TO AN INDIVIDUAL WHO IS:

(I) A MEMBER OF A STATE SYSTEM; OR

(II) A FORMER MEMBER OF A STATE SYSTEM WHO IS ELIGIBLE TO RECEIVE A BENEFIT UNDER § 29-302 OR § 29-303 OF THIS ARTICLE.

(2) THIS SECTION DOES NOT APPLY TO A RETIREE OF A STATE SYSTEM.

(B) Except as provided in subsection [(b)] (C) of this section, [a member of a State system] AN INDIVIDUAL DESCRIBED IN SUBSECTION (A) OF THIS SECTION, who has not met the conditions set forth in § 38-103(a)(2) through (4) of this subtitle, is entitled to receive service credit for military service only on the attainment of 10 years of creditable service.

[(b)] (C) (1) [A member of a State system] AN INDIVIDUAL DESCRIBED IN SUBSECTION (A) OF THIS SECTION may not receive credit for that military service if the [member] INDIVIDUAL receives credit for military service from another retirement system for which retirement benefits have been or will be received by the [member] INDIVIDUAL.