

~~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.

(2) Paragraph (1) of this subsection does not apply to:

(i) credit for military service provided under:

1. the Social Security Act;
2. the National Railroad Retirement Act; or
3. Title 3 or Title 10, Chapter 1223, §§ 12731 through 12737 of the United States Code; or

(ii) disability payments from a pension or retirement system.

(3) (i) Military service credit under this section may not exceed 5 years.

(ii) Subject to subparagraph (i) of this paragraph, a member of the Maryland National Guard who has not been activated under Title 10 of the United States Code, shall receive service credit at the rate of 4 months for each full year of service with the Maryland National Guard, not to exceed a total of 36 months.

~~(D) THE SERVICE CREDIT FOR MILITARY SERVICE THAT AN INDIVIDUAL RECEIVES UNDER THIS SECTION SHALL BE APPLIED TO THE INDIVIDUAL'S RETIREMENT ALLOWANCE USING THE ACCRUAL RATE IN EFFECT AT THE TIME THE INDIVIDUAL RETIRES FROM A STATE SYSTEM.~~

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows: