

(1) THE MEMBER IS TOTALLY AND PERMANENTLY INCAPACITATED FOR DUTY ARISING OUT OF OR IN THE COURSE OF THE ACTUAL PERFORMANCE OF DUTY WITHOUT WILLFUL NEGLIGENCE BY THE MEMBER; AND

(2) THE MEDICAL BOARD CERTIFIES THAT:

(I) THE MEMBER IS TOTALLY INCAPACITATED, EITHER MENTALLY OR PHYSICALLY, FOR THE FURTHER PERFORMANCE OF DUTY;

(II) THE INCAPACITY IS LIKELY TO BE PERMANENT; AND

(III) THE MEMBER SHOULD BE RETIRED.

(C) ALLOWANCE — IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A SPECIAL DISABILITY RETIREMENT ALLOWANCE EQUALS THE LESSER OF:

(1) THE MEMBER'S AVERAGE FINAL COMPENSATION; OR

(2) THE SUM OF:

(I) AN ANNUITY THAT IS THE ACTUARIAL EQUIVALENT OF THE MEMBER'S ACCUMULATED CONTRIBUTIONS AT RETIREMENT; AND

(II) A PENSION EQUAL TO TWO-THIRDS OF THE MEMBER'S AVERAGE FINAL COMPENSATION.

(D) SAME — EXCEPTION.

(1) THIS SUBSECTION APPLIES TO A MEMBER WHO IS AT LEAST NORMAL RETIREMENT AGE.

(2) A SPECIAL DISABILITY RETIREMENT ALLOWANCE EQUALS THE GREATER OF:

(I) A NORMAL SERVICE RETIREMENT ALLOWANCE; OR

(II) A SPECIAL DISABILITY RETIREMENT ALLOWANCE COMPUTED IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.

REVISOR'S NOTE: Subsection (a) of this section is new language added for clarity.

Subsections (b), (c), and (d) of this section are new language derived without substantive change from former Art. 73B, § 6-403(b)(1)(ii) and (iii) and (b)(2).

Defined terms: "Accumulated contributions" § 20-101

"Annuity" § 20-101

"Average final compensation" § 20-101

"Board of Trustees" § 20-101

"Medical board" § 20-101

"Member" § 20-101