

## [9-104.] 2.

(a) A judge, after termination of service, shall be paid the retirement allowance provided in [the contributory plan or] the noncontributory plan, until the death of the judge.

(b) If a judge has reached the age of 60 years at the time of termination of service, or if the judge resigned because of disability, retired by order of the Court of Appeals, or died, the retirement allowance shall begin immediately. Otherwise, the retirement allowance shall be deferred until the former judge reaches the age of 60 years. Resignation because of disability becomes effective upon favorable recommendation of the medical board.

(c) (1) Except as provided in paragraph (2) of this subsection, a retired judge eligible for benefits under this [subtitle] SUBHEADING may accept employment in which all or part of the compensation for the employment comes from municipal, county, or State funds if the retired judge immediately notifies the Board of Trustees of the retired judge's intention to accept the employment and specifies the compensation to be received for the employment. The annual retirement allowance receivable by the former judge plus the annual compensation for the position may not exceed in amount the compensation upon which the retirement allowance is based. During any period in which the total of the annual retirement allowance and the annual compensation for the position in fact exceeds the compensation upon which the retirement allowance is based, the retirement allowance shall be reduced by that amount necessary to bring the former judge's total compensation within the limit specified in this subsection. If a retired judge accepts employment in accordance with this subsection and is subsequently awarded retirement benefits as a result of that employment, the retired judge's retirement benefits under this [subtitle] SUBHEADING shall be reduced in the amount of the retirement benefits resulting from the subsequent employment.

(2) This subsection does not apply to a former judge who is temporarily assigned to sit in any court of this State under the authority of Article IV, § 3A of the Maryland Constitution. Compensation for temporary service under that provision is governed by § 1-302 of the Courts and Judicial Proceedings Article. Creditable service for pension or retirement purposes does not accrue by reason of service under that provision, and a deduction from compensation for this service may not be withheld for pension or retirement purposes.

(d) (1) Upon the death of a judge at any age, the surviving spouse of the deceased judge shall be paid one half of the retirement allowance that would be payable from time to time to the judge as if the judge were living and eligible to receive a retirement allowance.

(2) Upon the death of a former judge at any age, the surviving spouse of the former judge, upon attaining the age of 50 years, shall be paid one-half of the retirement allowance that would be payable from time to time to the former judge as if the former judge were living and eligible to receive a retirement allowance.