

(ii) membership in a State or local retirement or pension system is a requirement of employment.

(2) (I) For an absence for military service on or after January 1, 1946, service credit for the military service may not exceed 5 years.

(II) 1. THIS SUBPARAGRAPH APPLIES ONLY TO A MEMBER OF A STATE SYSTEM.

2. SUBJECT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH AND IN ADDITION TO ANY SERVICE CREDIT RECEIVED UNDER PARAGRAPH (1) OF THIS SUBSECTION, A MEMBER OF THE MARYLAND NATIONAL GUARD WHO HAS BEEN ACTIVATED UNDER TITLE 10 OF THE UNITED STATES CODE, SHALL RECEIVE SERVICE CREDIT AT THE RATE OF 4 MONTHS FOR EACH FULL YEAR FOR MILITARY SERVICE, NOT TO EXCEED A TOTAL OF 36 MONTHS.

(e) A member of a State or local retirement or pension system who receives service credit for military service under this section may transfer the credit to another State or local retirement or pension system.

38-104.

(a) Except as provided in subsection (b) of this section, a member of a State system, 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) (1) A member of a State system may not receive credit for that military service if the member receives credit for military service from another retirement system for which retirement benefits have been or will be received by the member.

(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, [for military service with the Maryland National Guard,] 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.