

- AND
2. THE INCAPACITY IS LIKELY TO BE PERMANENT;
 3. THE MEMBER SHOULD BE RETIRED.

(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH AND SUBSECTION (C) OF THIS SECTION, A MEMBER WHO IS RETIRED FOR A SPECIAL DISABILITY UNDER THIS SUBSECTION SHALL RECEIVE A SPECIAL DISABILITY RETIREMENT ALLOWANCE EQUAL TO THE LESSER OF:

OR

1. THE MEMBER'S AVERAGE FINAL COMPENSATION;

2. THE SUM OF:

- A. AN ANNUITY EQUAL TO THE ACTUARIAL EQUIVALENT OF THE MEMBER'S ACCUMULATED CONTRIBUTIONS AT THE TIME OF RETIREMENT; AND

- B. A PENSION EQUAL TO TWO-THIRDS OF THE MEMBER'S AVERAGE FINAL SALARY.

(II) IF A MEMBER WHO IS RETIRED FOR A SPECIAL DISABILITY UNDER THIS SUBSECTION IS AT LEAST 50 YEARS OLD, THE MEMBER SHALL RECEIVE A SPECIAL DISABILITY RETIREMENT ALLOWANCE EQUAL TO THE SUM OF:

1. ONE FORTY-FIFTH OF THE MEMBER'S AVERAGE FINAL COMPENSATION FOR EACH OF THE FIRST 25 YEARS OF CREDITABLE SERVICE; AND

2. ONE-NINETIETH OF THE MEMBER'S AVERAGE FINAL COMPENSATION FOR EACH YEAR AFTER THE FIRST 25 YEARS OF CREDITABLE SERVICE.

(3) IN THE EVENT ANY APPLICATION FOR DISABILITY RETIREMENT ON BEHALF OF A STATE POLICE OFFICER UNDER ARTICLE 88B, § 15(B)(16) OF THE CODE IS APPROVED BY THE BOARD OF TRUSTEES, THE STATE POLICE OFFICER SHALL HAVE 90 DAYS IN WHICH TO EXERCISE ANY OPTION GRANTED UNDER THIS TITLE OR THE MAXIMUM BENEFIT OPTION SHALL BE EXERCISED ON BEHALF OF THE OFFICER.

COMMITTEE NOTE: This subsection is new language derived without substantive change from former Art. 88B, §§ 15(b)(16) and 53(e) and (f).

The clause "if the member is unable or refuses to apply and the Superintendent has reason to believe that the member is permanently physically or mentally incapable of performing assigned duties" is added to clarify that the Superintendent is to submit the retirement application under the specified conditions.