

THE JUDGE WAS RECEIVING AT THE DATE OF THE JUDGE'S DEATH. IN ORDER TO BE ENTITLED TO THE PENSION PROVIDED BY THIS SECTION, A SURVIVING SPOUSE OF A JUDGE WHO DIES DURING ACTIVE SERVICE SHALL HAVE BEEN MARRIED TO THE JUDGE FOR A PERIOD OF NOT LESS THAN THREE YEARS BEFORE RETIREMENT. A SURVIVING SPOUSE WHO IS ENTITLED TO A PENSION UNDER THE PROVISIONS OF THIS SECTION SHALL BE PAID FOR THE PERIOD OF THE SURVIVING SPOUSE'S LIFE UNLESS THE SURVIVING SPOUSE REMARRIES, IN WHICH EVENT THE PENSION IS TO CEASE AND TERMINATE.

COMMITTEE NOTE: This section formerly appeared as Art. 73B, § 63(a).

Former § 63(a)(3) was repealed as obsolete since former Art. 73B, § 62 was repealed by Ch. 483 of the Acts of 1974.

The only other changes are stylistic or technical.

9-203. RETIREMENT PLAN FOR JUDGES OF THE FORMER PEOPLE'S COURT OF MONTGOMERY COUNTY.

(A) EACH FULL-TIME JUDGE OF THE PEOPLE'S COURT OF MONTGOMERY COUNTY, INCLUDING A JUDGE WHO WAS CONTINUED IN OFFICE AS A JUDGE OF THE DISTRICT COURT PURSUANT TO ARTICLE IV, § 41-I(A) OF THE CONSTITUTION, SHALL BE PAID, AFTER THE TERMINATION OF ACTIVE SERVICE, IF THE JUDGE IS THEN AT LEAST SIXTY-TWO YEARS OF AGE, OR WHEN THE JUDGE BECOMES SIXTY-TWO YEARS OF AGE OR UPON APPLICATION AND PROOF BY THE JUDGE BEFORE BECOMING SIXTY-TWO YEARS OF AGE, TO THE COUNTY COUNCIL, THAT THE JUDGE IS TOTALLY DISABLED FROM PERFORMING THE JUDGE'S DUTIES BY REASON OF THE JUDGE'S MENTAL OR PHYSICAL HEALTH, A PENSION OR SALARY IN AN AMOUNT EQUAL TO SIXTY PERCENT (60%) OF THE JUDGE'S MAXIMUM SALARY, OR 60 PERCENT OF THE SALARY OF A DISTRICT COURT JUDGE, WHICHEVER IS GREATER OR ONE SIXTEENTH (1/16) OF EITHER AMOUNT FOR EACH YEAR OF SERVICE, OR A PRO RATA SHARE TO REFLECT LESS THAN A FULL YEAR OF SERVICE, IF THE JUDGE HAS SERVED LESS THAN SIXTEEN YEARS AS A FULL-TIME JUDGE OF THE PEOPLE'S COURT OR TRIAL MAGISTRATE COURT OR MAGISTRATE FOR JUVENILE CAUSES FOR MONTGOMERY COUNTY. HOWEVER, NO PERSON SERVING LESS THAN TWELVE MONTHS AS A JUDGE UNDER THIS SUBSECTION SHALL RECEIVE A PENSION OR SALARY UNLESS THE PERSON INVOLUNTARILY BE CAUSED TO RESIGN OR TO RETIRE THEREFROM BECAUSE OF SICKNESS OR PHYSICAL INCAPACITY OR DISABILITY BEFORE THE TERMINATION OF THE PRESCRIBED MINIMUM PERIOD OF SERVICE. PROVIDED FURTHER, HOWEVER, THAT ANY JUDGE WHO HAS RETIRED OR WHO HEREAFTER VOLUNTARILY RETIRES FROM ACTIVE SERVICE AFTER REACHING THE AGE OF SIXTY-TWO YEARS AND RESUMES THE PRACTICE OF LAW SHALL NOT BE ENTITLED TO THE PENSION OR SALARY PROVIDED BY THIS SUBSECTION, OR ANY PORTION THEREOF. IN THE EVENT THAT A