

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 616

(Senator Jennings)

Judicial Proceedings

Judiciary

Commission to Study the Retirement of Judges

This bill establishes the Commission to Study the Retirement of Judges to study and make recommendations regarding the mandatory age of retirement for judges and specified issues related to the appointment of retired judges to sit temporarily in court. Members of the commission are not entitled to compensation but may be reimbursed for travel expenses. The Department of Legislative Services (DLS) provides staff for the commission. By January 1, 2014, the commission must report its findings and recommendations to the Governor and General Assembly.

The bill takes effect July 1, 2012, and terminates January 31, 2014.

Fiscal Summary

State Effect: None. DLS can provide staff for the commission with existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Judges of the circuit courts, Court of Special Appeals, Court of Appeals, and the District Court are required to retire upon reaching age 70.

Members of the Judges' Retirement System (JRS) contribute 6% of their earnable compensation for the first 16 years they serve on the bench; after 16 years, they make no

member contributions. JRS members vest immediately, and they are eligible for a normal service retirement upon reaching age 60. For a retiree with 16 years of service, a normal service retirement benefit is equal to two-thirds of the compensation of an active judge in a similar position; the benefit is prorated for retirees with fewer than 16 years of service. Retired judges may be appointed to sit temporarily in court with no reduction in their retirement benefits.

Background: The State Retirement Agency advises that 196 sitting judges in JRS will reach age 70 on or after January 1, 2013.

In 1994, the General Assembly passed a proposed constitutional amendment to raise the mandatory retirement age for judges from 70 to 75 (Chapter 104). The amendment was rejected by the voters at the 1994 General Election by a vote of 571,995 to 534,681.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Cheiron, Maryland State Retirement Agency, Department of Legislative Services

Fiscal Note History: First Reader - February 26, 2012
mlm/rhh Revised - Senate Third Reader - April 3, 2012

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