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GOVERNMENT CODE - GOV

TITLE 8. THE ORGANIZATION AND GOVERNMENT OF COURTS [68070 - 77655] (Title 8 added by Stats. 1953, Ch. 206.)

CHAPTER 11.5. Judges' Retirement System II [75500 - 75613] (Chapter 11.5 added by Stats. 1994, Ch. 879, Sec. 11.)

ARTICLE 2. Early Retirement and Normal Retirement [75520 - 75528] (Article 2 added by Stats. 1994, Ch. 879, Sec. 11.)

75520. (a) A judge shall, monthly, accrue monetary credits equal to 18 percent of the judge's monthly salary.

(b) To the total monetary credits in each judge's account, an additional amount shall be credited monthly at a rate, not less than zero, equal to the annual net earnings rate achieved by the Judges' Retirement System II Fund on its investments of moneys in the Judges' Retirement System II Fund during the preceding fiscal year.

(Amended by Stats. 1999, Ch. 785, Sec. 20. Effective January 1, 2000.)

75521. (a) A judge who leaves judicial office before accruing at least five years of service shall be paid the amount of the judge's contributions to the system, and no other amount.

(b) Except as provided in Section 75522.5, a judge who leaves judicial office after accruing five or more years of service and who is not eligible to elect to retire under Section 75522 shall be paid the amount of the judge's monetary credits determined pursuant to Section 75520, including the credits added under subdivision (b) of that section computed to the last day of the month preceding the date of distribution, and no other amount.

(c) Judges who leave office as described in subdivision (b) are "retired judges" for purposes of a concurrent retirement with respect to the benefits provided under Section 20639 and assignment pursuant to Article 2 (commencing with Section 68540.7) of Chapter 2 and are eligible for benefits provided under Section 22814.

(d) After a judge has withdrawn their accumulated contributions or the amount of their monetary credits upon leaving judicial office, the service shall not count in the event they later become a judge again, until the judge pays into the Judges' Retirement System II Fund the amount withdrawn, plus interest thereon at the rate of interest then being required to be paid by members of the Public Employees' Retirement System under Section 20750 from the date of withdrawal to the date of payment.

(Amended by Stats. 2024, Ch. 117, Sec. 10. (AB 2770) Effective January 1, 2025.)

75522. (a) A judge is eligible to retire pursuant to this section upon attaining both 65 years of age and 20 or more years of service, or upon attaining 70 years of age with a minimum of five years of service.

(b) The office of a judge who retires under this section becomes vacant on the date of the retirement.

(c) A judge who retires pursuant to this section shall, within 30 days after the effective date of the retirement, elect to receive either the benefits provided by subdivision (d) or the benefits provided by subdivision (e). Under rules adopted by the board, the time for the election may be extended in cases of illness or other hardship, but once made, the election shall be final and irrevocable.

(d) The judge may elect to receive for life a monthly retirement allowance equal to the benefit factor multiplied by the judge's final compensation multiplied by the number of years of service credit.

(1) The benefit factor for a judge eligible to retire pursuant to this section equals 3.75 percent per year of service.

(2) In no event shall the retirement allowance at the time of retirement exceed 75 percent of the judge's final compensation.

(e) The judge may elect to receive the amount of his or her monetary credits determined pursuant to Section 75520, including the credits added under subdivision (b) of that section computed to the last day of the month preceding the date of distribution. Under rules adopted by the board, the judge may elect to receive that amount in a single payment, or may direct that it be paid in an annuity of actuarially equivalent value for the judge's life or in one of the optional forms provided for in Section 75571 if the judge retires on or before December 31, 2017, or Section 75571.5 if the judge retires on or after January 1, 2018.

(f) If a retired judge fails or refuses to make an election pursuant to subdivision (c) within the time allowed, he or she shall be deemed to have elected to receive a monthly retirement allowance under subdivision (d).

(Amended by Stats. 2016, Ch. 199, Sec. 46. (AB 2404) Effective January 1, 2017.)

75522.5. (a) On and after January 1, 2024, a judge who is not eligible to retire pursuant to Section 75522, in lieu of receiving their monetary credits pursuant to subdivision (b) of Section 75521, may elect to retire pursuant to this section, notwithstanding Section 7522.44, upon satisfying the eligibility requirements of this section. Retirement pursuant to this section shall be considered a service retirement for the purposes of Section 75580.5.

(b) A judge is eligible to retire pursuant to this section upon attaining both 60 years of age and 15 years or more of service, or upon attaining 65 years of age with a minimum of 10 years of service.

(c) The office of a judge who retires under this section becomes vacant on the date of retirement.

(d) (1) A judge who elects to retire pursuant to this section shall, within 30 days after the effective date of the retirement, elect to receive one of the benefits provided under subdivision (f). Under rules adopted by the board, the time for the election may be extended in cases of illness or other hardship, but once made, the election shall be final and irrevocable.

(2) If a retired judge fails or refuses to make an election pursuant to subdivision (f) within the time allowed, the retired judge shall be deemed to have elected to receive a monthly allowance under paragraph (1) of subdivision (f).

(e) For purposes of this section, "full retirement age" means the age and years of service at which a judge would have become eligible to retire under Section 75522 if the judge had continued to accrue years of service credit rather than retire pursuant to this section.

(f) Subject to the limits described in subdivision (g), a judge who elects to retire under this section shall receive, for life, a monthly retirement allowance equal to the applicable benefit factor multiplied by the judge's final compensation multiplied by the number of years of service credit, pursuant to one of the following paragraphs:

(1) This paragraph shall apply to the retirement allowance of a judge who retires prior to full retirement age and who defers to full retirement age. The benefit factor for a judge electing to retire pursuant to this paragraph shall be a percentage equal to 3.75 reduced by 0.07 for each year, taken to the preceding completed quarter year, the judge's date of retirement is prior to the judge's full retirement age.

(2) This paragraph shall apply to the retirement allowance of a judge who retires prior to full retirement age and who defers past full retirement age. The retirement allowance shall commence on the date the judge attains full retirement age plus an additional 0.22 years for each year the judge's date of retirement is prior to the judge's full retirement age. The benefit factor for a judge electing to retire pursuant to this paragraph equals 3.75 percent.

(g) (1) In no event shall the retirement allowance under this section calculated at the time of retirement exceed 75 percent of the judge's final compensation.

(2) The calculation of the retirement allowance under this section shall not include more than 20 years of service.

(h) A monthly allowance or optional settlement payable under this chapter to a surviving spouse of a judge who elected to retire pursuant to this section, and who died before receiving a retirement allowance, shall begin the date the judge would have been eligible to receive a retirement allowance under this section and shall continue until the death of the surviving spouse.

(i) This section shall only apply to judges who retire pursuant to this section before January 1, 2029.

(Amended by Stats. 2023, Ch. 159, Sec. 22. (SB 885) Effective January 1, 2024.)

75523. (a) The retirement allowance of retired judges who have elected to receive a monthly allowance under subdivision (d) of Section 75522 or who have retired for disability and are receiving an allowance under Section 75560.4 shall be adjusted effective in January of each year after a judge has been retired under this chapter for more than six months, to reflect any increase in the cost of living occurring after January 1 of the immediately preceding fiscal year. The United States city average of the "Consumer Price Index for all Urban Consumers," as published by the United States Bureau of Statistics, shall be used as the basis for determining changes in the cost of living.

(b) The retirement allowance of a retired judge who has elected to retire under Section 75522.5 shall be adjusted effective in January of each year after a judge has received a retirement allowance under this chapter for more than six months, to reflect any increase in the cost of living occurring after January 1 of the immediately preceding fiscal year. The United States city average of the "Consumer Price Index for all Urban Consumers," as published by the United States Bureau of Statistics, shall be used as the basis for determining changes in the cost of living.

(c) An adjustment shall not be made unless the cost-of-living increase equals or exceeds 1 percent. The allowance shall not be increased more than 3 percent in a single year. Increases shall be compounded.

(d) The allowance shall not be decreased as a result of the cost-of-living adjustment.

(e) The board shall provide, by rule, any details needed for the implementation of this section.

(Amended (as amended by Stats. 2023, Ch. 159, Sec. 23) by Stats. 2023, Ch. 538, Sec. 2. (AB 658) Effective January 1, 2024.)

75524. Any designation as a temporary judge or any assignment by the Chairperson of the Judicial Council shall be disregarded for purposes of this chapter. For the purposes of this chapter, no person shall acquire status as a judge, nor shall any person's status as a judge be affected, by that designation or assignment.

(Added by Stats. 1994, Ch. 879, Sec. 11. Effective September 27, 1994. Operative November 9, 1994, by Sec. 16 of Ch. 879.)

75525. Retired judges, and beneficiaries, who are entitled to receive allowances under this chapter, may authorize deductions to be made from their retirement allowance payments, in accordance with regulations established by the board for payment of group life insurance premiums for a group life insurance plan approved by the Director of Finance.

(Added by Stats. 1994, Ch. 879, Sec. 11. Effective September 27, 1994. Operative November 9, 1994, by Sec. 16 of Ch. 879.)

75526. A judge who pleads guilty or no contest or is found guilty of a crime committed while holding judicial office that is punishable as a felony under California or federal law and which either involves moral turpitude under that law or was committed in the course and scope of performing the judge's duties, and the conviction becomes final shall not receive any benefits from the system, except that the amount of his or her contributions to the system shall be paid to him or her by the system.

(Added by Stats. 1994, Ch. 879, Sec. 11. Effective September 27, 1994. Operative November 9, 1994, by Sec. 16 of Ch. 879.)

75527. Notwithstanding any other provision of this chapter, the benefits payable to any person shall be subject to the limitations set forth in the Internal Revenue Code.

(Added by Stats. 1994, Ch. 879, Sec. 11. Effective September 27, 1994. Operative November 9, 1994, by Sec. 16 of Ch. 879.)

75527.5. (a) The cost-of-living adjustments under Section 415(d) of the Internal Revenue Code to the limits described in Section 415(b) of the Internal Revenue Code, as prescribed by the regulations of the Department of the Treasury of the United States, are hereby incorporated by reference and shall continue to apply after a judge's severance from employment or annuity starting date. The amount payable to a judge in any limitation year, including any cost-of-living adjustments provided under this chapter, shall not exceed the limit applicable under Section 415(b) of the Internal Revenue Code at the annuity starting date, as increased in subsequent years pursuant to Section 415(d) of the Internal Revenue Code and the associated regulations.

(b) Notwithstanding any other law, and except as provided in subdivision (a), the retirement allowance of a judge, or the monetary credits annuity payable to a judge, shall be increased to reflect the cost-of-living adjustments to the limits contained in Section 415 of Title 26 of the United States Code as provided in Section 415(d) of that code, provided that the judge's allowance or monetary credits annuity determined without regard to Section 415 equals or exceeds the applicable limit as indexed. Nothing in this section is intended to, nor shall be construed to, entitle a retired judge to an adjustment to their allowance or monetary credits annuity in excess of that provided pursuant to this chapter.

(c) Nothing in this section shall change the formula used to calculate benefits under this chapter.

(Added by Stats. 2021, Ch. 304, Sec. 3. (AB 1293) Effective January 1, 2022.)

75528. A judge must have a minimum of six years of judicial service to be eligible for benefits provided by retiring concurrently from this system and the Public Employees' Retirement System or a retirement system subject to the County Employees Retirement Law of 1937 pursuant to Section 20639 or 31840.8.

(Added by Stats. 2001, Ch. 433, Sec. 11. Effective January 1, 2002.)