



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

Code: Section:

[Up^](#) [Add To My Favorites](#)

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 5. Payment of Benefits [75570 - 75573] (Article 5 added by Stats. 1994, Ch. 879, Sec. 11.)

75570. (a) In lieu of electing the unmodified allowance for the judge's life alone, a judge who elects to retire and receive a monthly allowance under either subdivision (d) of Section 75522 or Section 75522.5 may elect, on or before the date of retirement, to have the actuarial equivalent of the judge's retirement allowance as of the date of retirement applied to a lesser retirement allowance, in accordance with one of the optional settlements specified 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.

(b) That election, revocation, or change of election shall be made by a writing filed with the system within 30 calendar days after the making of the first payment on account of any retirement allowance.

(c) If there is a spouse who would qualify for the survivor allowance under subdivision (b) of Section 75590, then the election, with respect to any optional settlement other than the optional settlement in subdivision (a) of Section 75571 or subdivision (b) of Section 75571.5, shall apply only to the portion of the retirement allowance that exceeds the amount of the allowance deemed payable to the surviving spouse.

(Amended by Stats. 2024, Ch. 117, Sec. 12. (AB 2770) Effective January 1, 2025.)

75570.5. If a judge elects an optional settlement that provides for a monthly allowance for his or her surviving spouse, the combined allowance payable to the surviving spouse pursuant to the optional settlement and Section 75590, if applicable, cannot exceed the amount of the judge's monthly allowance.

(Added by Stats. 2016, Ch. 199, Sec. 48. (AB 2404) Effective January 1, 2017.)

75571. This section shall apply to any judge who retires on or before December 31, 2017.

(a) Optional settlement 1 consists of the right to have a retirement allowance paid to the judge until their death and if the judge dies before the judge receives the amount of the judge's accumulated contributions at retirement, to have the balance at death paid to the judge's surviving spouse, or if none, to the judge's designated beneficiary, or if none, to the judge's estate.

(b) (1) Optional settlement 2 consists of the right to have a retirement allowance paid to the judge until the judge's death and thereafter to the judge's surviving spouse for life.

(2) If the judge's spouse predeceases the judge and the judge elected this optional settlement to be effective on or after January 1, 2002, the judge's allowance shall be adjusted effective the first day of the month following the death of the spouse to reflect the benefit that would have been paid had the judge not elected an optional settlement.

(3) If the marriage of a retired judge is dissolved or a legal separation is filed, and the judgment dividing the community property between the judge and the surviving spouse awards the total interest in this system to the retired judge, or the marriage is annulled and confirmed by a court, and the retired judge elected this optional settlement to be effective on or after January 1, 2002, the retired judge's allowance shall be adjusted effective the first day of the month following the filing of the judgment with the board to reflect the benefit that would have been paid had the judge not elected an optional settlement.

(c) (1) Optional settlement 3 consists of the right to have a retirement allowance paid to the judge until the judge's death, and thereafter to have one-half of the judge's retirement allowance paid to the judge's surviving spouse for life.

(2) If the judge's spouse predeceases the judge and the judge elected this optional settlement to be effective on or after January 1, 2002, the judge's allowance shall be adjusted effective the first day of the month following the death of the spouse to reflect the benefit that would have been paid had the judge not elected an optional settlement.

(3) If the marriage of a retired judge is dissolved or a legal separation is filed, and the judgment dividing the community property between the judge and the surviving spouse awards the total interest in this system to the retired judge, or the marriage is annulled and confirmed by a court, and the retired judge elected this optional settlement to be effective on or after January 1, 2002, the retired judge's allowance shall be adjusted effective the first day of the month following the filing of the judgment with the board to reflect the benefit that would have been paid had the judge not elected an optional settlement.

(d) Optional settlement 4 consists of other benefits that are the actuarial equivalent of the judge's retirement allowance, that they may select subject to the approval of the board.

(Amended by Stats. 2023, Ch. 159, Sec. 26. (SB 885) Effective January 1, 2024.)

75571.5. This section shall apply to any judge who retires on or after January 1, 2018.

(a) The unmodified allowance consists of the right to have the maximum retirement allowance paid to the judge for the judge's life alone. A continuing allowance to the surviving spouse, other than the benefit provided in subdivision (c) or (d) of Section 75590, is not provided and there is not a return of unused accumulated contributions after the death of the judge.

(b) The Return of Remaining Contributions Option 1 consists of the right to have a retirement allowance paid to the judge for the judge's life alone and if the judge dies before the judge receives in annuity payments the amount of the judge's accumulated contributions at retirement, to have the balance at death paid to the judge's surviving spouse, or if none, to the judge's designated beneficiary, or if none, to the judge's estate.

(c) (1) The 100 Percent Beneficiary Option 2 consists of the right to have a retirement allowance paid to the judge until the judge's death and thereafter to have the same monthly allowance paid to the judge's surviving spouse for life, provided that, with respect to a judge subject to subdivision (c) or (d) of Section 75590, the surviving spouse shall receive that portion of the judge's monthly allowance that exceeds the amount of the allowance deemed payable pursuant to subdivision (c) or (d) of Section 75590.

(2) Upon the death of both the judge and the surviving spouse, any remaining balance of the judge's accumulated contributions at retirement not used to fund the allowances paid to the judge and the surviving spouse pursuant to this subdivision will be paid in a lump sum to the designated beneficiary of the deceased, or if none, to the estate of the deceased.

(d) (1) The 100 Percent Beneficiary Option 2 with Benefit Allowance Increase consists of the right to have a retirement allowance paid to the judge until the judge's death and thereafter to have the same monthly allowance paid to the judge's surviving spouse for life; provided that with respect to a judge subject to subdivision (c) or (d) of Section 75590, the surviving spouse shall receive that portion of the judge's monthly allowance that exceeds the amount of the allowance deemed payable pursuant to subdivision (c) or (d) of Section 75590.

(2) If the judge's spouse predeceases the judge and the judge elected this optional settlement, the judge's allowance shall be adjusted effective the first day of the month following the death of the spouse to reflect the benefit that would have been paid had the judge not elected an optional settlement.

(3) If the marriage of a retired judge is dissolved or a legal separation filed, and the judgment dividing the community property between the judge and the surviving spouse awards the total interest in this system to the retired judge, or the marriage is annulled and confirmed by a court, the retired judge's allowance shall be adjusted effective the first day of the month following the filing of the judgment with the board to reflect the benefit that would have been paid had the judge not elected an optional settlement.

(e) (1) The 50 Percent Beneficiary Option 3 consists of the right to have a retirement allowance paid to the judge until the judge's death and thereafter to have one-half of the monthly allowance paid to the judge's surviving spouse for life; provided that with respect to a judge subject to subdivision (c) or (d) of Section 75590, the surviving spouse shall receive one-half of that portion of the judge's monthly allowance that exceeds the amount of the allowance deemed payable pursuant to subdivision (c) or (d) of Section 75590.

(2) Upon the death of both the judge and the surviving spouse, any remaining balance of the judge's accumulated contributions at retirement not used to fund the allowances paid to the judge and the surviving spouse pursuant to this subdivision will be paid in a lump sum to the designated beneficiary of the deceased, or if none, to the estate of the deceased.

(f) (1) The 50 Percent Beneficiary Option 3 with Benefit Allowance Increase consists of the right to have a retirement allowance paid to the judge until the judge's death and thereafter to have one-half of the monthly allowance paid to the judge's surviving spouse for life; provided that with respect to a judge subject to subdivision (c) or (d) of Section 75590, the surviving spouse shall receive one-half of that portion of the judge's monthly allowance that exceeds the amount of the allowance deemed payable pursuant to subdivision (c) or (d) of Section 75590.

(2) If the judge's spouse predeceases the judge and the judge elected this optional settlement, the judge's allowance shall be adjusted effective the first day of the month following the death of the spouse to reflect the benefit that would have been paid had

the judge not elected an optional settlement.

(3) If the marriage of a retired judge is dissolved or a legal separation filed, and the judgment dividing the community property between the judge and the surviving spouse awards the total interest in this system to the retired judge, or the marriage is annulled and confirmed by a court, the retired judge's allowance shall be adjusted effective the first day of the month following the filing of the judgment with the board to reflect the benefit that would have been paid had the judge not elected an optional settlement.

(g) The Flexible Beneficiary Option 4 consists of the right to have a retirement allowance paid to a judge until the judge's death, and thereafter to have a monthly allowance paid to the judge's surviving spouse for life. Subject to Section 75570.5, the judge may select the monthly allowance payable to the surviving spouse from the options below:

(1) Specific Dollar Amount to a Surviving Spouse. The judge may specify that upon the judge's death after retirement, a monthly allowance in an amount determined by the judge be paid to the judge's surviving spouse for life.

(2) Specific Percentage to a Surviving Spouse. The judge may specify that upon the judge's death after retirement, a monthly allowance in an amount equivalent to a specified percentage of the judge's allowance be paid to the judge's surviving spouse for life.

(Amended by Stats. 2024, Ch. 117, Sec. 13. (AB 2770) Effective January 1, 2025.)

75572. The benefits payable to any person who first becomes a member of this system on or after July 1, 1996, shall not exceed the limitations in Section 401(a) of Title 26 of the United States Code upon public retirement systems, as that section may be amended from time to time and as that limit may be adjusted by the Commissioner of Internal Revenue for increases in cost of living. The determination of compensation for each 12-month period shall be subject to the annual compensation limit in effect for that calendar year. In a determination of average annual compensation over more than one 12-month period, the amount of compensation taken into account for each 12-month period shall be subject to the applicable annual compensation limit.

(Added by Stats. 1995, Ch. 829, Sec. 16. Effective January 1, 1996.)

75573. A judge who elects to receive optional settlement two or three in Section 75571 may concurrently and irrevocably elect to waive the provision for an increase to his or her allowance, as specified in subdivisions (b) and (c) of Section 75571, and shall, instead, have his or her allowance based upon the waiver of this benefit.

This section shall apply to any judge who retires on or before December 31, 2017.

(Amended by Stats. 2016, Ch. 199, Sec. 51. (AB 2404) Effective January 1, 2017.)