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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 7. Survivor and Insurance Benefits [75590 - 75592] (Article 7 added by Stats. 1994, Ch. 879, Sec. 11.)

75590. (a) A surviving spouse of a judge who was eligible to retire pursuant to subdivision (a) of Section 75522 shall, within 90 days after the judge's death, elect to receive either of the following:

(1) A monthly retirement allowance equal to one-half of the judge's benefit factor computed as stated in subdivision (d) of Section 75522 as of the date of death, multiplied by the judge's final compensation multiplied by the number of years of service credit. This allowance shall be adjusted for changes in the cost of living as provided in Section 75523.

(2) 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.

(b) On and after January 1, 2024, a surviving spouse of a judge who was not eligible to retire pursuant to subdivision (a) of Section 75522, but was eligible to retire pursuant to subdivision (b) of Section 75522.5, shall, within 90 days after the judge's death, provided that the death occurs prior to January 1, 2029, elect to receive either of the following:

(1) A monthly retirement allowance equal to one-half of the judge's benefit factor computed as stated in paragraph (1) of subdivision (f) of Section 75522.5 as of the date of death, multiplied by the judge's final compensation multiplied by the number of years of service credit. This allowance shall be adjusted for changes in the cost of living as provided in Section 75523.

(2) 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.

(c) A surviving spouse of a retired judge who elected to receive a monthly allowance under subdivision (d) of Section 75522 or who was retired for disability and receiving an allowance under Section 75560.4 shall receive a monthly allowance equal to 50 percent of the deceased judge's unmodified monthly retirement allowance. This allowance shall be adjusted for changes in the cost of living as provided in Section 75523.

(d) (1) A surviving spouse of a retired judge who was receiving a retirement allowance under Section 75522.5 shall receive a monthly allowance equal to 50 percent of the deceased judge's unmodified monthly retirement allowance. The surviving spouse's allowance shall be adjusted for changes in the cost of living as provided in Section 75523.

(2) A surviving spouse of a judge who elected to retire and receive a retirement allowance under Section 75522.5, but who died before receiving the retirement allowance, shall receive a monthly allowance equal to 50 percent of the unmodified monthly retirement allowance the deceased judge would have received pursuant to Section 75522.5 had the judge been living and receiving the retirement allowance, beginning the date the judge would have been eligible to receive the benefits under Section 75522.5. This allowance shall be adjusted for changes in the cost of living in the same manner as provided in Section 75523.

(e) (1) Notwithstanding any other provision of this article to the contrary, the surviving spouse of a judge who (A) died in office, (B) had attained the minimum age for service retirement applicable to the judge preceding their death, with a minimum of 20 years of service, and (C) was eligible to receive an allowance pursuant to Section 75522, shall receive an allowance that is equal to the amount that the judge would have received if the judge had been retired from service on the date of death and had elected the optional settlement specified in subdivision (b) of Section 75571 and in Section 75573.

(2) A surviving spouse receiving an allowance pursuant to this subdivision shall have no other claim to benefits with respect to the Judges' Retirement Fund or with respect to any other provision of the Judges' Retirement System II Law.

(3) The benefits provided by this subdivision are only payable to the surviving spouse of a judge who elects to come within this subdivision. That election may be made at any time while the judge is in office and, once made, the election is irrevocable.

(f) Except as provided in paragraph (2) of subdivision (d), a monthly allowance payable to a surviving spouse pursuant to this section is payable commencing upon the death of the judge and continuing until the death of the surviving spouse.

(Amended (as amended by Stats. 2022, Ch. 531, Sec. 4) by Stats. 2023, Ch. 159, Sec. 28. (SB 885) Effective January 1, 2024.)

75591. (a) A surviving spouse of a judge who dies before becoming eligible to retire pursuant to subdivision (a) of Section 75522 shall receive the greater of one of the following:

(1) 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.

(2) Three times the judge's annual salary at the time of his or her death. The amount shall be paid in equal monthly installments for a period of 36 months.

(b) If there is no surviving spouse, the greater of the amounts prescribed in subdivision (a) shall be paid to the surviving children of the judge; or if none, to the judge's designated beneficiary, or if none, to the judge's estate.

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

75592. Each judge shall receive the same group term life insurance benefits as is granted to other constitutional officers and state managerial employees. The Administrative Office of the Courts shall administer the insurance benefit.

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