
By: **Delegates Quinter, Petzold, Rosenberg, Simmons, and Vallario**

Introduced and read first time: February 23, 2005

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Legal Proceedings - Legislative Continuances and Time Extensions**

3 FOR the purpose of providing for certain legislative continuances and time extensions

4 for filing a document relating to a legal proceeding under certain circumstances;

5 altering a certain definition; providing for the application of this Act; making

6 certain stylistic changes; and generally relating to legislative continuances and

7 time extensions under certain circumstances.

8 BY repealing and reenacting, with amendments,

9 Article - Courts and Judicial Proceedings

10 Section 6-402

11 Annotated Code of Maryland

12 (2002 Replacement Volume and 2004 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Courts and Judicial Proceedings**

16 6-402.

17 (a) (1) In this section the following words have the meanings indicated.

18 (2) "Proceeding" includes:

19 (i) An arbitration proceeding; [and]

20 (ii) Any part of an action; AND

21 (III) ANY PART OF AN APPELLATE PROCEEDING.

22 (3) "Session" includes an extraordinary session.

23 (b) [If] SUBJECT TO SUBSECTION (D) OF THIS SECTION, IF a member or desk

24 officer of the General Assembly is an attorney of record in a proceeding, the

1 proceeding shall be continued from [five] 5 days before the legislative session
2 convenes until [ten] AT LEAST 10 days after it is adjourned.

3 (c) If a member of the Legislative Policy Committee or of any committee or
4 subcommittee thereof or a committee or subcommittee of the State legislature
5 functioning during the legislative interim is an attorney of record in a proceeding, the
6 proceeding shall be continued while the committee or subcommittee is holding a
7 meeting.

8 (d) If a brief [or], A memorandum of law, OR ANOTHER DOCUMENT is required
9 to be filed in a proceeding continued under this section[, the]:

10 (1) THE proceeding shall be continued for a time sufficient to allow it to
11 be prepared and filed; AND

12 (2) ANY TIME PRESCRIBED BY THE MARYLAND RULES, BY RULE OR
13 ORDER OF COURT, OR BY ANY STATUTE APPLICABLE TO THE FILING OF THE
14 DOCUMENT SHALL BEGIN TO RUN 10 DAYS AFTER THE GENERAL ASSEMBLY
15 ADJOURNS.

16 (e) The attorney may waive the benefit of this section.

17 (f) The attorney may exercise any right under this section after filing a
18 motion or letter with the appropriate court or administrative agency without the
19 attorney personally appearing.

20 (g) This section applies to a proceeding in a federal, State, or local court or
21 administrative agency.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
23 construed to apply retroactively and shall be applied to and interpreted to affect any
24 proceeding pending on or after the effective date of this Act.

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2005.