

# HOUSE BILL 1106

D4, D1

CONSTITUTIONAL AMENDMENT

8lr1908

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By: **Delegates Dumais, Ali, Anderson, Beidle, Benson, Carr, V. Clagett, Doory, Feldman, Jones, Kullen, Love, McIntosh, Rosenberg, and Waldstreicher**  
Introduced and read first time: February 7, 2008  
Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **District Court Commissioners – Interim Protective Orders – Petitions Filed**  
3 **by Law Enforcement**

4 FOR the purpose of proposing an amendment to the Maryland Constitution to  
5 authorize a District Court Commissioner to issue an interim protective order  
6 when a certain petition is filed by a law enforcement officer under certain  
7 circumstances; generally relating to the powers of a District Court  
8 Commissioner; and submitting this amendment to the qualified voters of the  
9 State of Maryland for their adoption or rejection.

10 BY proposing an amendment to the Maryland Constitution  
11 Article IV – Judiciary Department  
12 Section 41G

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
14 MARYLAND, (Three-fifths of all the members elected to each of the two Houses  
15 concurring), That it be proposed that the Maryland Constitution read as follows:

16 **Article IV – Judiciary Department**

17 41G.

18 (a) (1) There shall be district court commissioners in the number and  
19 with the qualifications and compensation prescribed by law.

20 (2) Commissioners in a district shall be appointed by and serve at the  
21 pleasure of the Administrative Judge of the district, subject to the approval of the  
22 Chief Judge of the District Court.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) Commissioners may exercise power only with respect to and only as  
2 prescribed by law or rule as to:

3 (1) Warrants of arrest, or bail or collateral or other terms of pre-trial  
4 release pending hearing, or incarceration pending hearing; and

5 (2) Issuance of civil interim peace orders and civil interim protective  
6 orders within the jurisdiction of the District Court when the Office of the Clerk of the  
7 District Court is not open **OR WHEN THE PETITION FOR A CIVIL INTERIM**  
8 **PROTECTIVE ORDER IS FILED BY A LAW ENFORCEMENT OFFICER IN RESPONSE**  
9 **TO AN ARREST AS PRESCRIBED BY LAW.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly  
11 determines that the amendment to the Maryland Constitution proposed by this Act  
12 affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the  
13 Maryland Constitution concerning local approval of constitutional amendments do not  
14 apply.

15 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section  
16 proposed as an amendment to the Maryland Constitution shall be submitted to the  
17 legal and qualified voters of this State at the next general election to be held in  
18 November, 2008 for their adoption or rejection pursuant to Article XIV of the  
19 Maryland Constitution. At that general election, the vote on this proposed amendment  
20 to the Constitution shall be by ballot, and upon each ballot there shall be printed the  
21 words "For the Constitutional Amendment" and "Against the Constitutional  
22 Amendment," as now provided by law. Immediately after the election, all returns shall  
23 be made to the Governor of the vote for and against the proposed amendment, as  
24 directed by Article XIV of the Maryland Constitution, and further proceedings had in  
25 accordance with Article XIV.