

# HOUSE BILL 417

N2, D2

CONSTITUTIONAL AMENDMENT

0lr1319  
CF SB 770

---

By: ~~Delegates Rosenberg, Cardin, and Haynes~~ Haynes, and Conaway

Introduced and read first time: January 29, 2010

Assigned to: Judiciary

---

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2010

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Baltimore City – Orphans’ Court Judges – Qualifications**

3 FOR the purpose of proposing an amendment to the Maryland Constitution to  
4 prescribe different qualifications for judges of the Orphans’ Court for Baltimore  
5 City; requiring judges of the Orphans’ Court for Baltimore City to have been  
6 admitted to practice law in this State and be members in good standing of the  
7 Maryland Bar; making certain technical changes; and submitting this  
8 amendment to the qualified voters of the State of Maryland for their adoption or  
9 rejection.

10 BY proposing an amendment to the Maryland Constitution

11 Article IV – Judiciary Department

12 Section 40

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 40.

18 (A) The qualified voters of [the City of Baltimore, and of] the several  
19 Counties, except Montgomery County and Harford County, shall elect three Judges of  
20 the Orphans’ Courts of [City and] Counties[, respectively,] who shall be citizens of the

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 State and residents, for the twelve months preceding, in the [City or] County for  
2 which they may be elected.

3 **(B) THE QUALIFIED VOTERS OF THE CITY OF BALTIMORE SHALL ELECT**  
4 **THREE JUDGES OF THE ORPHANS' COURT FOR BALTIMORE CITY WHO SHALL**  
5 **BE CITIZENS OF THE STATE AND RESIDENTS, FOR THE TWELVE MONTHS**  
6 **PRECEDING, IN BALTIMORE CITY AND WHO HAVE BEEN ADMITTED TO**  
7 **PRACTICE LAW IN THIS STATE AND ARE MEMBERS IN GOOD STANDING OF THE**  
8 **MARYLAND BAR.**

9 **(C) [They] THE JUDGES** shall have all the powers now vested in the  
10 Orphans' Courts of the State, subject to such changes as the Legislature may  
11 prescribe.

12 **(D)** Each of the Judges shall be paid such compensation as may be regulated  
13 by Law, to be paid by the City or Counties, respectively.

14 **(E)** In case of a vacancy in the office of Judge of the Orphans' Court, the  
15 Governor shall appoint, subject to confirmation or rejection by the Senate, some  
16 suitable person to fill the vacancy for the residue of the term.

17 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly  
18 determines that the amendment to the Maryland Constitution proposed by this Act  
19 affects only the City of Baltimore and that the provisions of Article XIV, § 1 of the  
20 Maryland Constitution concerning local approval of constitutional amendments apply.

21 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section  
22 proposed as an amendment to the Maryland Constitution shall be submitted to the  
23 legal and qualified voters of this State at the next general election to be held in  
24 November, 2010 for their adoption or rejection pursuant to Article XIV of the  
25 Maryland Constitution. At that general election, the vote on this proposed amendment  
26 to the Constitution shall be by ballot, and upon each ballot there shall be printed the  
27 words "For the Constitutional Amendment" and "Against the Constitutional  
28 Amendment," as now provided by law. Immediately after the election, all returns shall  
29 be made to the Governor of the vote for and against the proposed amendment, as  
30 directed by Article XIV of the Maryland Constitution, and further proceedings had in  
31 accordance with Article XIV.