

SENATE BILL 281

D2

CONSTITUTIONAL AMENDMENT

1lr1415

By: **Senators Miller, Currie, Muse, Peters, and Ramirez**

Introduced and read first time: January 31, 2011

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 4, 2011

CHAPTER _____

1 AN ACT concerning

2 **Baltimore County and Prince George's County – Orphans' Court Judges –**
3 **Qualifications**

4 FOR the purpose of proposing an amendment to the Maryland Constitution to
5 prescribe different qualifications for judges of the Orphans' Court for Baltimore
6 County and Prince George's County; requiring judges of the Orphans' Court for
7 Baltimore County and Prince George's County to have been admitted to practice
8 law in this State and be members in good standing of the Maryland Bar; and
9 submitting this amendment to the qualified voters of the State for their
10 adoption or rejection.

11 BY proposing an amendment to the Maryland Constitution
12 Article IV – Judiciary Department
13 Section 40

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

17 **Article IV – Judiciary Department**

18 40.

19 (a) The qualified voters of the several Counties, except Montgomery County,
20 ~~PRINCE GEORGE'S COUNTY~~, and Harford County, shall elect three Judges 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 Orphans' Courts of Counties who shall be citizens of the State and residents, for the
2 twelve months preceding, in the County for which they may be elected.

3 (b) The qualified voters of the City of Baltimore shall elect three Judges of
4 the Orphans' Court for Baltimore City who shall be citizens of the State and residents,
5 for the twelve months preceding, in Baltimore City and who have been admitted to
6 practice law in this State and are members in good standing of the Maryland Bar.

7 **(C) THE QUALIFIED VOTERS OF BALTIMORE COUNTY SHALL ELECT**
8 **THREE JUDGES OF THE ORPHANS' COURT FOR BALTIMORE COUNTY WHO**
9 **SHALL BE CITIZENS OF THE STATE AND RESIDENTS, FOR THE TWELVE MONTHS**
10 **PRECEDING, IN BALTIMORE COUNTY AND WHO HAVE BEEN ADMITTED TO**
11 **PRACTICE LAW IN THIS STATE AND ARE MEMBERS IN GOOD STANDING OF THE**
12 **MARYLAND BAR.**

13 ~~(c)~~ **(D) THE QUALIFIED VOTERS OF PRINCE GEORGE'S COUNTY**
14 **SHALL ELECT THREE JUDGES OF THE ORPHANS' COURT FOR PRINCE**
15 **GEORGE'S COUNTY WHO SHALL BE CITIZENS OF THE STATE AND RESIDENTS,**
16 **FOR THE TWELVE MONTHS PRECEDING, IN PRINCE GEORGE'S COUNTY AND**
17 **WHO HAVE BEEN ADMITTED TO PRACTICE LAW IN THIS STATE AND ARE**
18 **MEMBERS IN GOOD STANDING OF THE MARYLAND BAR.**

19 ~~(c)~~ ~~(D)~~ **(E)** The Judges shall have all the powers now vested in the Orphans'
20 Courts of the State, subject to such changes as the Legislature may prescribe.

21 ~~(d)~~ ~~(E)~~ **(F)** Each of the Judges shall be paid such compensation as may be
22 regulated by Law, to be paid by the City or Counties, respectively.

23 ~~(e)~~ ~~(F)~~ **(G)** In case of a vacancy in the office of Judge of the Orphans' Court,
24 the Governor shall appoint, subject to confirmation or rejection by the Senate, some
25 suitable person to fill the vacancy for the residue of the term.

26 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
27 determines that the amendment to the Maryland Constitution proposed by this Act
28 affects ~~only one county~~ multiple jurisdictions and that the provisions of Article XIV, §
29 1 of the Maryland Constitution concerning local approval of constitutional
30 amendments do not apply.

31 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
32 proposed as an amendment to the Maryland Constitution shall be submitted to the
33 qualified voters of the State at the next general election to be held in November, 2012
34 for their adoption or rejection pursuant to Article XIV of the Maryland Constitution.
35 At that general election, the vote on this proposed amendment to the Constitution
36 shall be by ballot, and upon each ballot there shall be printed the words "For the
37 Constitutional Amendment" and "Against the Constitutional Amendment," as now
38 provided by law. Immediately after the election, all returns shall be made to the

1 Governor of the vote for and against the proposed amendment, as directed by Article
2 XIV of the Maryland Constitution, and further proceedings had in accordance with
3 Article XIV.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.