

HOUSE BILL 211

P1, L1, L6

CONSTITUTIONAL AMENDMENT

2lr0329
CF SB 544

By: Delegates Ivey, Vaughn, Griffith, Afzali, Alston, Anderson, Arora, Barkley, Barnes, Barve, Beidle, Beitzel, Bohanan, Branch, Braveboy, Burns, Cane, Carr, Carter, Clagett, Clippinger, Cullison, Davis, DeBoy, Feldman, Frick, Frush, Gaines, George, Gilchrist, Glenn, Gutierrez, Guzzone, Haddaway-Riccio, Harrison, Haynes, Healey, Hershey, Hixson, Holmes, Hucker, James, Jameson, Jones, Kaiser, A. Kelly, Kramer, Lafferty, Lee, Luedtke, Malone, McConkey, McIntosh, A. Miller, Minnick, Mitchell, Mizeur, Morhaim, Murphy, Myers, Nathan-Pulliam, Niemann, Oaks, Olszewski, Pena-Melnyk, Pendergrass, Proctor, Reznik, S. Robinson, Rosenberg, Ross, Rudolph, Schuh, Schulz, Simmons, Smigiel, Stein, Stukes, Summers, Tarrant, V. Turner, Walker, Washington, Wilson, Wood, ~~and Zucker~~ Zucker, and Norman

Introduced and read first time: January 25, 2012

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2012

CHAPTER _____

1 AN ACT concerning

2 **Elected Officials – Removal from Office – Crimes**

3 FOR the purpose of requiring that an elected official of the State or of a county or
4 municipal corporation who is found guilty of a felony or certain misdemeanors
5 be suspended and, under certain circumstances, removed from office by
6 operation of law; requiring that an elected official of the State or of a county or
7 municipal corporation who ~~is convicted of or~~ enters a certain plea relating to a
8 felony or certain misdemeanors be removed from office by operation of law;
9 ~~repealing the provision of law that requires an elected official to be suspended~~
10 ~~from office by operation of law under certain circumstances~~; making stylistic
11 changes; and submitting this amendment to the qualified voters of the State for
12 their adoption or rejection.

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 BY proposing an amendment to the Maryland Constitution
 2 Article XV – Miscellaneous
 3 Section 2

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

7 **Article XV – Miscellaneous**

8 2.

9 Any elected official of the State, or of a county or of a municipal corporation who
 10 during [his] **THE ELECTED OFFICIAL'S** term of office is ~~convicted of or enters a plea~~
 11 ~~of GUILTY OR nolo contendere to~~ **FOUND GUILTY OF** any crime which is a felony, or
 12 which is a misdemeanor related to [his] **THE ELECTED OFFICIAL'S** public duties and
 13 responsibilities and involves moral turpitude for which the penalty may be
 14 incarceration in any penal institution, shall be ~~is~~ suspended by operation of law without
 15 pay or benefits from the elective office. During and for the period of suspension of the
 16 elected official, the appropriate governing body and/or official authorized by law to fill
 17 any vacancy in the elective office shall appoint a person to temporarily fill the elective
 18 office, provided that if the elective office is one for which automatic succession is
 19 provided by law, then in such event the person entitled to succeed to the office shall
 20 temporarily fill the elective office. If the ~~conviction~~ **FINDING OF GUILT** becomes **A**
 21 final **CONVICTION**, after judicial review or otherwise, such elected official shall be ~~is~~
 22 removed from the elective office by operation of Law and the office shall be deemed
 23 vacant. If the ~~conviction~~ **FINDING OF GUILT** of the elected official is reversed or
 24 overturned, the elected official shall be reinstated by operation of Law to the elective
 25 office for the remainder, if any, of the elective term of office during which [he] **THE**
 26 **ELECTED OFFICIAL** was ~~is~~ so suspended or removed, and all pay and benefits shall be
 27 restored. **ANY ELECTED OFFICIAL OF THE STATE, OR OF A COUNTY OR OF A**
 28 **MUNICIPAL CORPORATION WHO DURING THE ELECTED OFFICIAL'S TERM OF**
 29 **OFFICE ENTERS A GUILTY PLEA OR A PLEA OF NOLO CONTENDERE TO ANY**
 30 **CRIME WHICH IS A FELONY, OR WHICH IS A MISDEMEANOR RELATED TO THE**
 31 **ELECTED OFFICIAL'S PUBLIC DUTIES AND RESPONSIBILITIES AND INVOLVES**
 32 **MORAL TURPITUDE FOR WHICH THE PENALTY MAY BE INCARCERATION IN ANY**
 33 **PENAL INSTITUTION, SHALL BE REMOVED FROM THE ELECTIVE OFFICE BY**
 34 **OPERATION OF LAW AND THE OFFICE SHALL BE DEEMED VACANT.**

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

1 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
2 proposed as an amendment to the Maryland Constitution shall be submitted to the
3 qualified voters of the State at the next general election to be held in November, 2012
4 for their adoption or rejection pursuant to Article XIV of the Maryland Constitution.
5 At that general election, the vote on this proposed amendment to the Constitution
6 shall be by ballot, and upon each ballot there shall be printed the words “For the
7 Constitutional Amendment” and “Against the Constitutional Amendment,” as now
8 provided by law. Immediately after the election, all returns shall be made to the
9 Governor of the vote for and against the proposed amendment, as directed by Article
10 XIV of the Maryland Constitution, and further proceedings had in accordance with
11 Article XIV.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.