

HOUSE BILL 651

E2

CONSTITUTIONAL AMENDMENT

4lr2048

By: **Delegates Impallaria, Glass, McComas, and McDonough**

Introduced and read first time: January 30, 2014

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Courts – Aggravated Murder Court**

3 FOR the purpose of authorizing the General Assembly to create an Aggravated
4 Murder Court that shall have original and exclusive jurisdiction over all
5 presentments or indictments for offenses previously punishable by death;
6 vesting the judicial power of the State in the Aggravated Murder Court as the
7 General Assembly may create by law; providing that the judges of the
8 Aggravated Murder Court that may be created may not be elected in a certain
9 manner; requiring certain presentments or indictments to be transmitted to the
10 Aggravated Murder Court that may be created; requiring the Attorney General
11 to prosecute certain presentments or indictments pending in the Aggravated
12 Murder Court that may be created; and submitting this amendment to the
13 qualified voters of the State for their adoption or rejection.

14 BY proposing an amendment to the Maryland Constitution
15 Article IV – Judiciary Department
16 Section 1, 3, and 8(b)

17 BY proposing an addition to the Maryland Constitution
18 Article IV – Judiciary Department
19 Section 27 to be under the new part “Part IV – Aggravated Murder Court”

20 BY proposing an amendment to the Maryland Constitution
21 Article V – Attorney–General and State’s Attorneys
22 Section 3(a)

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

26 **Article IV – Judiciary Department**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 1.

2 The Judicial power of this State is vested in a Court of Appeals, such
3 intermediate courts of appeal as the General Assembly may create by law, **AN**
4 **AGGRAVATED MURDER COURT AS THE GENERAL ASSEMBLY MAY CREATE BY**
5 **LAW**, Circuit Courts, Orphans' Courts, and a District Court. These Courts shall be
6 Courts of Record, and each shall have a seal to be used in the authentication of all
7 process issuing from it.

8 3.

9 Except for the Judges of the District Court **AND THE AGGRAVATED MURDER**
10 **COURT**, the Judges of the several Courts other than the Court of Appeals or any
11 intermediate courts of appeal shall, subject to the provisions of Section 5 of this Article
12 of the Constitution, be elected in Baltimore City and in each county, by the qualified
13 voters of the city and of each county, respectively, all of the said Judges to be elected
14 at the general election to be held on the Tuesday after the first Monday in November,
15 as now provided for in the Constitution. Each of the said Judges shall hold his office
16 for the term of fifteen years from the time of his election, and until his successor is
17 elected and qualified, or until he shall have attained the age of seventy years,
18 whichever may first happen, and be reeligible thereto until he shall have attained the
19 age of seventy years, and not after. In case of the inability of any of said Judges to
20 discharge his duties with efficiency, by reason of continued sickness, or of physical or
21 mental infirmity, it shall be in the power of the General Assembly, two-thirds of the
22 members of each House concurring, with the approval of the Governor to retire said
23 Judge from office.

24 8.

25 (b) In all cases of presentments or indictments for offenses that are
26 punishable by death, on suggestion in writing under oath of either of the parties to the
27 proceedings that the party cannot have a fair and impartial trial in the court in which
28 the proceedings may be pending, the court shall order and direct the record of
29 proceedings in the presentment or indictment to be transmitted to some other court
30 having jurisdiction in such case for trial, **OR IF AN AGGRAVATED MURDER COURT**
31 **HAS BEEN CREATED BY THE GENERAL ASSEMBLY, ANY SUCH CASE SHALL BE**
32 **IMMEDIATELY TRANSMITTED TO THE AGGRAVATED MURDER COURT.**

33 **PART IV – AGGRAVATED MURDER COURT**

34 **27.**

35 (A) **THE GENERAL ASSEMBLY MAY CREATE BY LAW A STATEWIDE TRIAL**
36 **COURT WITH ORIGINAL AND EXCLUSIVE JURISDICTION OVER PRESENTMENTS**
37 **OR INDICTMENTS FOR OFFENSES ARISING IN THE STATE THAT WERE**

1 PUNISHABLE BY DEATH UNDER FORMER § 2-303 OF THE CRIMINAL LAW
2 ARTICLE.

3 (B) THE AGGRAVATED MURDER COURT SHALL HAVE JURISDICTION
4 THAT IS UNIFORM THROUGHOUT THE STATE.

5 Article V – Attorney-General and State’s Attorneys

6 3.

7 (a) The Attorney General shall:

8 (1) Prosecute and defend on the part of the State all cases pending in
9 the appellate courts of the State, in the Supreme Court of the United States or the
10 inferior Federal Courts, by or against the State, or in which the State may be
11 interested, except those criminal appeals otherwise prescribed by the General
12 Assembly.

13 (2) Investigate, commence, and prosecute or defend any civil or
14 criminal suit or action or category of such suits or actions in any of the Federal Courts
15 or in any Court of this State, or before administrative agencies and quasi legislative
16 bodies, on the part of the State or in which the State may be interested, which the
17 General Assembly by law or joint resolution, or the Governor, shall have directed or
18 shall direct to be investigated, commenced and prosecuted or defended.

19 (3) When required by the General Assembly by law or joint resolution,
20 or by the Governor, aid any State’s Attorney or other authorized prosecuting officer in
21 investigating, commencing, and prosecuting any criminal suit or action or category of
22 such suits or actions brought by the State in any Court of this State.

23 (4) Give his opinion in writing whenever required by the General
24 Assembly or either branch thereof, the Governor, the Comptroller, the Treasurer or
25 any State’s Attorney on any legal matter or subject.

26 (5) PROSECUTE ON THE PART OF THE STATE ALL PRESENTMENTS
27 OR INDICTMENTS FOR OFFENSES THAT WERE PUNISHABLE BY DEATH UNDER
28 FORMER § 2-303 OF THE CRIMINAL LAW ARTICLE THAT ARE PENDING IN THE
29 AGGRAVATED MURDER COURT AS THE GENERAL ASSEMBLY MAY CREATE BY
30 LAW.

31 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
32 determines that the amendment to the Maryland Constitution proposed by this Act
33 affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the
34 Maryland Constitution concerning local approval of constitutional amendments do not
35 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 2014
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.