

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

House Bill 734 (Delegate Dwyer)
Rules and Executive Nominations

General Assembly - Removal of Members - Incarceration

This proposed constitutional amendment, if approved by the voters at the next general election, requires that a member of the General Assembly who is convicted of any crime and sentenced to jail during his or her term of office be suspended without pay or benefits from office. If the conviction becomes final, the member is removed from office. Similarly, if a member of the General Assembly enters a guilty plea or a plea of *nolo contendere* to any crime and is sentenced to jail during the term of office, the member is removed from office.

Fiscal Summary

State Effect: The proposed amendment does not materially affect State finances, as it is anticipated to apply in a limited number of cases. It is assumed that the potential for increased costs to include any constitutional amendments proposed by the General Assembly on the ballot at the next general election will have been anticipated in the State Board of Elections' budget.

Local Effect: None. It is assumed that the potential for increased costs to notify voters of any constitutional amendments proposed by the General Assembly, and to include any proposed constitutional amendments on the ballot at the next general election, will have been anticipated in local boards of elections' budgets.

Small Business Effect: None.

Analysis

Current Law: Under the Maryland Constitution, any State or local elected official is suspended from office if, during the term of office, the official is found guilty of a felony or of a misdemeanor that is related to his or her public duties and responsibilities that involves moral turpitude and for which the penalty may be incarceration. The suspension is without pay or benefits. The governing body to which the elected official belongs may temporarily fill the official's position. If the conviction is overturned or reversed, the official is reinstated, but if the conviction becomes final, the official is removed from office. A State or local elected official is also removed from office if the official, during the term of office, pleads guilty or *nolo contendere* to a felony or to a misdemeanor related to the official's public duties and responsibilities that involves moral turpitude for which the penalty may include incarceration.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Commission on Criminal Sentencing Policy, Department of Legislative Services

Fiscal Note History: First Reader - February 25, 2014
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Analysis by: Michael C. Rubenstein

Direct Inquiries to:
(410) 946-5510
(301) 970-5510