SENATE BILL 942
CONSTITUTIONAL AMENDMENT

By: Senators Hough, Muse, Brochin, Norman, Cassilly, Zirkin, and Ready
Constitutional Requirements Complied with for Introduction in the last 35 Days of Session
Introduced and read first time: March 28, 2015
Assigned to: Judicial Proceedings

A BILL ENTITLED

AN ACT concerning

Criminal Procedure – Government–Funded Legal Representation – Initial Appearance

FOR the purpose of proposing an amendment to the Maryland Constitution establishing that a certain constitutional provision may not be construed to require government–funded legal representation of an indigent defendant at an initial appearance before a District Court commissioner; and submitting this amendment to the qualified voters of the State for their adoption or rejection.

BY proposing an amendment to the Maryland Constitution

Declaration of Rights

Article 24

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

Declaration of Rights

24.

(A) That no man ought to be taken or imprisoned or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or, in any manner, destroyed, or deprived of his life, liberty or property, but by the judgment of his peers, or by the Law of the land.

(B) THIS ARTICLE MAY NOT BE CONSTRUED TO REQUIRE GOVERNMENT–FUNDED LEGAL REPRESENTATION OF AN INDIGENT DEFENDANT AT AN INITIAL APPEARANCE BEFORE A DISTRICT COURT COMMISSIONER.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
determines that the amendment to the Maryland Constitution proposed by this Act affects
multiple jurisdictions and that the provisions of Article XIV, § 1 of the Maryland
Constitution concerning local approval of constitutional amendments do not apply.

SECTION 3. AND BE IT FURTHER ENACTED, That the aforegoing section
proposed as an amendment to the Maryland Constitution shall be submitted to the
qualified voters of the State at the next general election to be held in November 2016 for
their adoption or rejection pursuant to Article XIV of the Maryland Constitution. At that
general election, the vote on this proposed amendment to the Constitution shall be by
ballot, and upon each ballot there shall be printed the words “For the Constitutional
Amendment” and “Against the Constitutional Amendment,” as now provided by law.
Immediately after the election, all returns shall be made to the Governor of the vote for and
against the proposed amendment, as directed by Article XIV of the Maryland Constitution,
and further proceedings had in accordance with Article XIV.