

## Chapter 414

**(House Bill 346)**

AN ACT concerning

**Court Personnel – Altering References From Master to Magistrate**

FOR the purpose of altering references to the term “master” to “magistrate” in provisions of law prohibiting certain individuals from practicing law or preparing or helping to prepare certain documents while employed in a certain capacity, in provisions concerning the appointment and employment of circuit court personnel, in provisions concerning the appointment, powers, and duties of juvenile court masters, in provisions concerning mediation of certain matters, in provisions requiring oral testimony in an action for alimony, annulment, or divorce, in provisions concerning judicial review of a certain zoning decision of a certain board of appeals or a zoning action of a certain legislative body, in provisions concerning the acknowledgment of certain instruments in the State, and in provisions relating to the Judges’ Retirement System; and generally relating to circuit court and juvenile court masters.

BY repealing and reenacting, with amendments,  
Article – Business Occupations and Professions  
Section 10–603(a)  
Annotated Code of Maryland  
(2010 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 2–102(a), 2–501(a) and (e), 3–807, 3–8A–04, and 3–1802(b)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,  
Article – Family Law  
Section 1–203(c)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,  
Article – Land Use  
Section 4–402(b)  
Annotated Code of Maryland  
(2012 Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 19–102

*Annotated Code of Maryland*  
*(2014 Replacement Volume)*

BY repealing and reenacting, with amendments,  
 Article – State Personnel and Pensions  
 Section 21–307(b), 21–309(b), 23–201(a)(7), 27–201(a), 27–304(c), and 27–402(b)(1)  
 Annotated Code of Maryland  
 (2009 Replacement Volume and 2014 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 That the Laws of Maryland read as follows:

**Article – Business Occupations and Professions**

10–603.

(a) This section does not apply to:

- (1) a lawyer while employed as a part–time [master] MAGISTRATE for juvenile cases; or
- (2) an individual while:
  - (i) performing an affirmative duty required by law; or
  - (ii) engaging in an activity related to a case in which the individual is a party or has a property interest.

**Article – Courts and Judicial Proceedings**

2–102.

(a) If advisable in a specific proceeding, a court may appoint an auditor, surveyor, court reporter, assistant counsel for the State, counsel for a party if authorized by law or rule, accountant, [master] MAGISTRATE, examiner, or other officer, and may require his presence in court.

2–501.

(a) Except as provided for the Circuit Court for Baltimore City in Subtitle 5A of this title, the judges of the circuit court for a county may employ the court administrators, assignment commissioners, auditors, [masters] MAGISTRATES, examiners, court reporters, messengers, bailiffs, court criers, librarians, clerks, secretaries, stenographers, jury commissioners, law clerks, and other employees necessary to conduct the business of the court.

(e) (1) There shall be included in the State budget for the Judicial Branch an appropriation to the Administrative Office of the Courts in the amount necessary to pay salaries and benefits of standing circuit court [masters] **MAGISTRATES**.

(2) The Administrative Office of the Courts shall:

(i) Identify the standing circuit court [masters] **MAGISTRATES**; and

(ii) Develop a personnel management plan and funding plan to implement this subsection.

(3) A standing [master] **MAGISTRATE** of a circuit court or a judicial circuit shall report to and perform the duties and assignments determined by the judges of the respective circuit court or circuit, in accordance with the statewide policy on [masters] **MAGISTRATES**.

(4) The Court of Appeals may adopt rules concerning the [master] **MAGISTRATE** positions described in this subsection.

(5) (i) Except as otherwise provided in this paragraph, circuit court [masters] **MAGISTRATES** identified under paragraph (2) of this subsection shall remain county or Baltimore City employees and shall not be State employees.

(ii) A circuit court [master] **MAGISTRATE** identified under paragraph (2) of this subsection may elect to become a State employee between January 1, 2002, and March 31, 2002, both inclusive.

(iii) A circuit court [master] **MAGISTRATE** who elects under this subsection to become a State employee shall become a State employee on July 1, 2002.

(iv) A standing circuit court [master] **MAGISTRATE** hired on or after July 1, 2002, shall be a State employee.

3-807.

(a) (1) The judges of a circuit court may not appoint a [master] **MAGISTRATE** for juvenile causes arising under this subtitle and Subtitle 8A of this title unless the appointment and the appointee are approved by the Chief Judge of the Court of Appeals.

(2) The standards expressed in § 3-806(b) of this subtitle, with respect to the assignment of judges, are applicable to the appointment of [masters] **MAGISTRATES**.

(3) A [master] **MAGISTRATE**, at the time of appointment and at all times while serving as a [master] **MAGISTRATE**, shall be a member in good standing of the Maryland Bar.

(b) (1) A [master] **MAGISTRATE** appointed for juvenile causes may conduct hearings.

(2) Each proceeding shall be recorded, and the [master] **MAGISTRATE** shall make findings of fact, conclusions of law, and recommendations as to an appropriate order.

(3) The proposals and recommendations shall be in writing, and, within 10 days after the hearing, the original shall be filed with the court and a copy served on each party to the proceeding.

(c) (1) Any party, in accordance with the Maryland Rules, may file written exceptions to any or all of the [master's] **MAGISTRATE'S** findings, conclusions, and recommendations, but shall specify those items to which the party objects.

(2) The party who files exceptions may elect a hearing de novo or a hearing on the record before the court unless the party is the State in proceedings involving juvenile delinquency under Subtitle 8A of this title.

(3) If the State is the excepting party in proceedings involving juvenile delinquency, the hearing shall be on the record, supplemented by additional evidence as the judge considers relevant and to which the parties raise no objection.

(4) In either case, the hearing shall be limited to those matters to which exceptions have been taken.

(d) (1) The proposals and recommendations of a [master] **MAGISTRATE** for juvenile causes do not constitute orders or final action of the court.

(2) The proposals and recommendations shall be promptly reviewed by the court, and, in the absence of timely and proper exceptions, they may be adopted by the court and appropriate orders entered based on them.

(3) Detention, community detention, or shelter care may be ordered by a [master] **MAGISTRATE** pending court review of the [master's] **MAGISTRATE'S** findings, conclusions, and recommendations.

(e) If the court, on its own motion and in the absence of timely and proper exceptions, decides not to adopt the [master's] **MAGISTRATE'S** findings, conclusions, and recommendations, or any of them, the court shall conduct a de novo hearing, unless all parties and the court agree to a hearing on the record.

3-8A-04.

The provisions of §§ 3–806, 3–807, and 3–829 of this title govern judges, [masters] **MAGISTRATES**, and local juvenile court committees under this subtitle.

3–1802.

(b) This subtitle does not apply to a mediation:

(1) To which Title 17 of the Maryland Rules applies;

(2) Relating to the establishment, negotiation, administration, or termination of a collective bargaining relationship;

(3) Relating to a dispute that is pending under, or is part of the processes established by, a collective bargaining agreement unless the dispute has been filed with an administrative agency or court;

(4) Relating to an action to enforce an agreement to arbitrate under common law, the Federal Arbitration Act, the Maryland Uniform Arbitration Act under Subtitle 2 of this title, or the Maryland International Commercial Arbitration Act under Subtitle 2B of this title;

(5) Relating to an action to foreclose a lien against an owner-occupied residential property subject to foreclosure mediation conducted by the Office of Administrative Hearings under Maryland Rule 14–209.1;

(6) Arising from a referral of a matter to a [master] **MAGISTRATE**, examiner, auditor, or parenting coordinator under Maryland Rules 2–541, 2–542, 2–543, or 9–205.2; or

(7) Conducted by a judge who might make a ruling on a case based on the dispute.

### **Article – Family Law**

1–203.

(c) In an action for alimony, annulment, or divorce, a final decree may not be entered except on oral testimony by the plaintiff in a hearing before an examiner or a [master] **MAGISTRATE** or in open court.

### **Article – Land Use**

4–402.

(b) (1) If, after a hearing, the circuit court determines that testimony is needed for the proper disposition of the matter, the court may take evidence or appoint a special [master] MAGISTRATE to:

(i) take the required evidence; and

(ii) report the evidence to the court with the special [master's] MAGISTRATE'S findings of fact and conclusions of law.

(2) The special [master's] MAGISTRATE'S evidence, findings, and conclusions shall constitute a part of the proceedings on which the court shall make its determination.

### Article – State Government

19-102.

The acknowledgment of any instrument may be made in the State before:

(1) a judge of a court of record;

(2) a clerk or deputy clerk of a court having a seal;

(3) a notary public; or

(4) a [master] MAGISTRATE in chancery.

### Article – State Personnel and Pensions

21-307.

(b) For the fiscal year beginning July 1, 2010, and each subsequent fiscal year, for a [master] MAGISTRATE in chancery or a [master] MAGISTRATE in juvenile causes who is eligible for benefits under the Judges' Retirement System, the county where the ~~master~~ MAGISTRATE serves shall pay to the Judges' Retirement System the employer contributions required to be paid on behalf of the [master] MAGISTRATE.

21-309.

(b) Each year, the Board of Trustees shall certify to the chief fiscal officer of each participating governmental unit:

(1) the normal contribution rates, accrued liability contribution rates, special accrued liability contribution rate, and withdrawal liability contribution rate for the participating governmental unit; and

(2) any amount payable by the participating governmental unit for a [master] MAGISTRATE under § 21–307(b)(2) of this subtitle.

23–201.

(a) Except as provided in subsection (b) of this section, §§ 23–203 through 23–205 of this subtitle apply only to:

(7) a full-time [master] MAGISTRATE in chancery or in juvenile causes who is appointed on or after July 1, 1989, in any county by the circuit court for that county;

27–201.

(a) The following individuals are members of the Judges' Retirement System:

(1) a judge of the Court of Appeals, Court of Special Appeals, circuit court of a county, or District Court of Maryland;

(2) a member of the State Workers' Compensation Commission; and

(3) a [master] MAGISTRATE in chancery or [master] MAGISTRATE in juvenile causes who:

(i) was appointed by the circuit court of a county on or before June 30, 1989; and

(ii) serves full time as a [master] MAGISTRATE.

27–304.

(c) A member may purchase service credit for prior service as:

(1) a full-time [master] MAGISTRATE in chancery or [master] MAGISTRATE in juvenile causes on or before June 30, 1975; or

(2) a member of the State Workers' Compensation Commission on or before June 30, 1977.

27–402.

(b) (1) This subsection applies only to a retiree who is a [master] MAGISTRATE in chancery or juvenile causes at the time of termination of service.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

**Approved by the Governor, May 12, 2015.**