

HOUSE BILL 902

D3
HB 726/20 – JUD

CONSTITUTIONAL AMENDMENT

11r2925
CF SB 669

By: **Delegate Bartlett**

Introduced and read first time: February 2, 2021

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Constitutional Amendment – Civil Jury Trials**

3 FOR the purpose of proposing an amendment to the Maryland Declaration of Rights to alter
4 the amount in controversy in civil proceedings in which the right to a jury trial may
5 be limited by legislation; altering the amount in controversy in civil proceedings in
6 which the right to a jury trial shall be inviolably preserved; and submitting this
7 amendment to the qualified voters of the State for their adoption or rejection.

8 BY proposing an amendment to the Maryland Constitution
9 Declaration of Rights
10 Article 5 and 23

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

14 **Declaration of Rights**

15 Article 5.

16 (a) (1) That the Inhabitants of Maryland are entitled to the Common Law of
17 England, and the trial by Jury, according to the course of that Law, and to the benefit of
18 such of the English statutes as existed on the Fourth day of July, seventeen hundred and
19 seventy-six; and which, by experience, have been found applicable to their local and other
20 circumstances, and have been introduced, used and practiced by the Courts of Law or
21 Equity; and also of all Acts of Assembly in force on the first day of June, eighteen hundred
22 and sixty-seven; except such as may have since expired, or may be inconsistent with the
23 provisions of this Constitution; subject, nevertheless, to the revision of, and amendment or
24 repeal by, the Legislature of this State. And the Inhabitants of Maryland are also entitled
25 to all property derived to them from, or under the Charter granted by His Majesty Charles
26 the First to Caecilius Calvert, Baron of Baltimore.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) Legislation may be enacted that limits the right to trial by jury in civil
2 proceedings to those proceedings in which the amount in controversy exceeds **[\$15,000]**
3 **\$30,000**.

4 (b) The parties to any civil proceeding in which the right to a jury trial is
5 preserved are entitled to a trial by jury of at least 6 jurors.

6 (c) That notwithstanding the Common Law of England, nothing in this
7 Constitution prohibits trial by jury of less than 12 jurors in any civil proceeding in which
8 the right to a jury trial is preserved.

9 Article 23.

10 In the trial of all criminal cases, the Jury shall be the Judges of Law, as well as of
11 fact, except that the Court may pass upon the sufficiency of the evidence to sustain a
12 conviction.

13 The right of trial by Jury of all issues of fact in civil proceedings in the several Courts
14 of Law in this State, where the amount in controversy exceeds the sum of **[\$15,000]**
15 **\$30,000**, shall be inviolably preserved.

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

20 SECTION 3. AND BE IT FURTHER ENACTED, That the amendment to the
21 Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified
22 voters of the State at the next general election to be held in November 2022 for adoption or
23 rejection pursuant to Article XIV of the Maryland Constitution. At that general election,
24 the vote on the proposed amendment to the Constitution shall be by ballot, and on each
25 ballot there shall be printed the words “For the Constitutional Amendment” and “Against
26 the Constitutional Amendment”, as now provided by law. Immediately after the election,
27 all returns shall be made to the Governor of the vote for and against the proposed
28 amendment, as directed by Article XIV of the Maryland Constitution, and further
29 proceedings had in accordance with Article XIV.