

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 821

(Chair, Judiciary Committee)(By Request - Maryland
Judicial Conference)

Judiciary

Judicial Proceedings

**Judiciary Department - Judicial Removal - Disqualification From Future
Judicial Office**

This proposed constitutional amendment, if approved by the voters at the next general election, disqualifies a justice or judge removed or retired on recommendation of the Commission on Judicial Disabilities from future judicial office.

Fiscal Summary

State Effect: The bill does not directly affect State operations or finances.

Local Effect: The bill does not directly affect local government operations or finances.

Small Business Effect: None.

Analysis

Current Law/Background: Under Article IV, § 4B of the Maryland Constitution, the Commission on Judicial Disabilities has the power to (1) investigate complaints against any justice or judge of the Supreme Court of Maryland, any intermediate courts of appeal, the circuit courts, the District Court of Maryland, or the orphans' court; (2) conduct hearings regarding complaints, administer oaths, issue process to compel witnesses and the production of evidence, and require persons to testify and produce evidence by granting them immunity from prosecution or from penalty or forfeiture; (3) issue a reprimand; and (4) recommend to the Supreme Court of Maryland the removal, censure, or other appropriate disciplining of a justice or judge, or retirement.

Upon any recommendation of the Commission on Judicial Disabilities, the Supreme Court of Maryland, after a hearing, may:

- upon a finding of misconduct while in office, or of persistent failure to perform the duties of the office, or of conduct prejudicial to the property administration of justice, *remove* the justice or judge from office or censure or otherwise discipline the justice or judge; or
- upon a finding of disability which is or is likely to become permanent and which seriously interferes with the performance of the justice's or judge's duties, *retire* the justice or judge from office.

A justice or judge who is removed, and the justice's or judge's surviving spouse, must have the rights and privileges accruing from the justice's or judge's judicial service only to the extent prescribed by the order of removal. A justice or judge who is retired must have the rights and privileges prescribed by law for other retired justice or judges.

These provisions are an alternative to, and cumulative with, the methods of retirement and removal specified in §§ 3 and 4 of Article IV, and § 26 of Article III, of the Maryland Constitution.

The Judiciary advises that the bill removes any ambiguity regarding the eligibility for future judicial office if a justice or judge is removed or retired under Article IV, § 4B.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 541 (Chair, Judicial Proceedings Committee)(By Request - Maryland Judicial Conference) - Judicial Proceedings.

Information Source(s): Maryland State Board of Elections; Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - February 16, 2026
caw/jkb Third Reader - March 5, 2026

Analysis by: Joanne E. Tetlow

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

