

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 762
Task Force to Study Impaired Driving and New Technologies
DATE: February 5, 2020
(2/19)
POSITION: Oppose as drafted

The Judiciary opposes House Bill 762 as drafted. This bill creates a task force to study impaired driving and new technologies. Among its proposed members is member of the Judiciary, appointed by the Chief Judge of the Court of Appeals.

While the Maryland Judicial Conference appreciates the consideration in the formation of this task force, membership of judges on such bodies can raise separation of powers and dual office issues. Participation by judges in extra-judicial activities, such as statutorily created workgroups, commissions, and task forces, is limited by Rule 3.4 of the Code of Judicial Conduct and by Article 8 of the Maryland Declaration of Rights. To ensure uniformity in the administration of justice throughout the state, judges are advised not to participate in the policy development functions of the Judiciary's executive and legislative partners. While the Judiciary always makes itself available for questions on a case by case basis, the Judiciary respectfully requests not to be included on this task force.

cc. Hon. Nicole Williams
Judicial Council
Legislative Committee
Kelley O'Connor