

CF 7r1477

By: Delegates Opara and Vallario

Introduced and read first time: January 24, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **District Court - Civil Actions - Jury Trials**

3 FOR the purpose of altering the amount in controversy necessary to demand a jury trial
4 in a civil action; making this Act contingent on the passage of a certain
5 Constitutional amendment; and generally relating to the right of trial by jury in civil
6 actions.

7 BY repealing and reenacting, with amendments,
8 Article - Courts and Judicial Proceedings
9 Section 4-402(e)
10 Annotated Code of Maryland
11 (1995 Replacement Volume and 1996 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article - Courts and Judicial Proceedings
14 Section 4-405
15 Annotated Code of Maryland
16 (1995 Replacement Volume and 1996 Supplement)

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

19 **Article - Courts and Judicial Proceedings**

20 4-402.

21 (e) (1) In a civil action in which the amount in controversy exceeds [\$5,000]
22 \$10,000, exclusive of attorney's fees if attorney's fees are recoverable by law or contract, a
23 party may demand a jury trial pursuant to the Maryland Rules.

24 (2) Except in a replevin action, if a party is entitled to and files a timely
25 demand, in accordance with the Maryland Rules, for a jury trial, jurisdiction is
26 transferred forthwith and the record of the proceeding shall be transmitted to the
27 appropriate court. In a replevin action, if a party is entitled to and files a timely demand
28 for a jury trial, the District Court may conduct a hearing on the show cause order prior to
29 issuing the writ, enforce an injunction issued by it in the action, and issue, renew, and
30 receive returns upon the writ of replevin. The action shall be transmitted to the

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1 appropriate court only after the writ has been returned, stating that the property sought
2 has been seized or elojned, and the time for filing a notice of intention to defend has
3 expired.

4 4-405.

5 The District Court has exclusive jurisdiction over a small claim action, which, for
6 purposes of this section, means a civil action for money in which the amount claimed does
7 not exceed \$2,500 exclusive of interest, costs, and attorney's fees, if attorney's fees are
8 recoverable by law or contract; and landlord tenant action under §§ 8-401 and 8-402 of
9 the Real Property Article of the Code, in which the amount of rent claimed does not
10 exceed \$2,500 exclusive of interest and costs.

11 SECTION 2. AND BE IT FURTHER ENACTED, That the passage of this Act is
12 contingent on the passage of Chapter (S.B./H.B.)_____ (7lr1475/7lr1476) of the Acts
13 of the General Assembly of 1997, a Constitutional Amendment, and its ratification by the
14 voters of the State.

15 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the provisions
16 of Section 2 above, this Act shall take effect October 1, 1997.