

CONSTITUTIONAL AMENDMENT

P1
SB 618/90 - JPR

7lr1469

By: Senator Ferguson

Introduced and read first time: January 15, 1997

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Elected Officials - Conviction of Controlled Dangerous Substance Offenses**

3 FOR the purpose of requiring the suspension from office of certain elected officials who
4 are convicted of a crime involving a controlled dangerous substance; providing for
5 the temporary filling of the elective office; providing for the reinstatement of the
6 elected official under certain circumstances; submitting this amendment to the
7 qualified voters of the State of Maryland for their adoption or rejection; and
8 generally relating to the suspension from office of elected officials for conviction of
9 crimes involving a controlled dangerous substance.

10 BY proposing an amendment to the Constitution of Maryland

11 Article XV - Miscellaneous
12 Section 2

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

16 **Article XV - Miscellaneous**

17 2.

18 Any elected official of the State, or of a county or of a municipal corporation who
19 during [his] THE ELECTED OFFICIAL'S term of office is convicted of or enters a plea of
20 nolo contendere to any crime which (1) is a felony, (2) INVOLVES A CONTROLLED
21 DANGEROUS SUBSTANCE, or [which] (3) is a misdemeanor related to [his] THE
22 ELECTED OFFICIAL'S public duties and responsibilities and involves moral turpitude for
23 which the penalty may be incarceration in any penal institution, shall be suspended by
24 operation of law without pay or benefits from the elective office. During and for the
25 period of suspension of the elected official, the appropriate governing body [and/or] OR
26 official authorized by law to fill any vacancy in the elective office shall appoint a person
27 to temporarily fill the elective office, provided that if the elective office is one for which
28 automatic succession is provided by law, then in such event the person entitled to succeed
29 to the office shall temporarily fill the elective office. If the conviction becomes final, after
30 judicial review or otherwise, [such] THE elected official shall be removed from the
31 elective office by operation of Law and the office shall be deemed vacant. If the
32 conviction of the elected official is reversed or overturned, the elected official shall be
33 reinstated by operation of Law to the elective office for the remainder, if any, of the

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1 elective term of office during which [he] THE ELECTED OFFICIAL was [so] suspended
2 or removed, and all pay and benefits shall be restored.

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

7 SECTION 3. AND BE FURTHER ENACTED, That the foregoing section
8 proposed as an amendment to the Constitution of Maryland shall be submitted to the
9 legal and qualified voters of this State at the next general election to be held in
10 November, 1998 for their adoption or rejection in pursuance of directions contained in
11 Article XIV of the Constitution of this State. At that general election, the vote on this
12 proposed amendment to the Constitution shall be by ballot, and upon each ballot there
13 shall be printed the words "For the Constitutional Amendments" and "Against the
14 Constitutional Amendments," as now provided by law. Immediately after the election, all
15 returns shall be made to the Governor of the vote for and against the proposed
16 amendment, as directed by Article XIV of the Constitution, and further proceedings had
17 in accordance with Article XIV.