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By: Senator Ferguson
Introduced and read first time: January 15, 1997
Assigned to: Judicial Proceedings
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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; generally relating to the suspension
7   from office of elected officials for conviction of crimes involving a controlled
8   dangerous substance; and submitting this amendment to the qualified voters of the
9   State of Maryland for their adoption or rejection.

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

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1 remainder, if any, of the elective term of office during which he was so suspended or
2 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 IT FURTHER ENACTED, That the aforegoing 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.