

HOUSE BILL 6
CONSTITUTIONAL AMENDMENT

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HB 764/01 - JUD

2002 Regular Session
2lr0988
CF 2lr0989

(PRE-FILED)

By: **Chairman, Judiciary Committee (Maryland Judicial Conference) and Delegates Taylor, Arnick, Busch, Conway, Dewberry, Doory, Harrison, Hixson, Howard, Hurson, Kopp, McIntosh, Menes, Montague, Owings, Rawlings, Rosenberg, and Wood**

Requested: November 15, 2001

Introduced and read first time: January 9, 2002

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **District Court Commissioners - Powers and Duties**

3 FOR the purpose of proposing an amendment to the Maryland Constitution to expand
4 the powers and duties of District Court commissioners to include the issuance of
5 certain interim civil orders for protection within the jurisdiction of the District
6 Court under certain circumstances; and submitting this amendment to the
7 qualified voters of the State of Maryland for their adoption or rejection.

8 BY proposing an amendment to the Constitution of Maryland
9 Article IV - Judiciary Department
10 Section 41G

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

14 **Article IV - Judiciary Department**

15 41G.

16 (A) (1) There shall be district court commissioners in the number and with
17 the qualifications and compensation prescribed by law.

18 (2) Commissioners in a district shall be appointed by and serve at the
19 pleasure of the Administrative Judge of the district, subject to the approval of the
20 Chief Judge of the District Court.

21 (B) Commissioners may exercise power only with respect to AND ONLY AS
22 PRESCRIBED BY LAW OR RULE AS TO:

1 (1) [warrants] WARRANTS of arrest, or bail or collateral or other terms
2 of pre-trial release pending hearing, or incarceration pending hearing[, and then
3 only as prescribed by law or by rule]; AND

4 (2) ISSUANCE OF INTERIM CIVIL ORDERS FOR PROTECTION WITHIN THE
5 JURISDICTION OF THE DISTRICT COURT ON DAYS AND DURING HOURS IN WHICH THE
6 OFFICE OF THE CLERK OF THE DISTRICT COURT IS NOT OPEN.

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

11 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
12 proposed as an amendment to the Constitution of Maryland shall be submitted to the
13 legal and qualified voters of this State at the next general election to be held in
14 November, 2002 for their adoption or rejection in pursuance of directions contained in
15 Article XIV of the Constitution of this State. At that general election, the vote on this
16 proposed amendment to the Constitution shall be by ballot, and upon each ballot
17 there shall be printed the words "For the Constitutional Amendment" and "Against
18 the Constitutional Amendment," as now provided by law. Immediately after the
19 election, all returns shall be made to the Governor of the vote for and against the
20 proposed amendment, as directed by Article XIV of the Constitution, and further
21 proceedings had in accordance with Article XIV.