

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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 26, 2002

CHAPTER _____

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 civil interim ~~civil orders for protection~~ peace orders and civil interim
6 protective orders within the jurisdiction of the District Court under certain
7 circumstances; and submitting this amendment to the qualified voters of the
8 State of Maryland for their adoption or rejection.

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

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

15 **Article IV - Judiciary Department**

16 41G.

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

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

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

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

9 (2) ISSUANCE OF CIVIL INTERIM CIVIL ORDERS FOR PROTECTION PEACE
10 ORDERS AND CIVIL INTERIM PROTECTIVE ORDERS WITHIN THE JURISDICTION OF
11 THE DISTRICT COURT ON DAYS AND DURING HOURS IN WHICH WHEN THE OFFICE OF
12 THE CLERK OF THE DISTRICT COURT IS NOT OPEN.

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

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