

SENATE BILL 500
CONSTITUTIONAL AMENDMENT

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SB 657/01 - JPR

2002 Regular Session
2lr0989
CF 2lr0988

By: **Chairman, Judicial Proceedings Committee (Maryland Judicial Conference) and Senators Astle, Baker, Blount, Bromwell, Colburn, Collins, Conway, DeGrange, Della, Dorman, Ferguson, Forehand, Frosh, Green, Hafer, Haines, Hoffman, Hogan, Hollinger, Hooper, Hughes, Jacobs, Jimeno, Kasemeyer, Kelley, Lawlah, McFadden, Middleton, Mitchell, Neall, Pinsky, Ruben, Sfikas, Stone, Teitelbaum, and Van Hollen**

Introduced and read first time: February 1, 2002
Assigned to: Judicial Proceedings

Committee Report: Favorable
Senate action: Adopted
Read second time: February 19, 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 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.

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 INTERIM CIVIL ORDERS FOR PROTECTION WITHIN THE
10 JURISDICTION OF THE DISTRICT COURT ON DAYS AND DURING HOURS IN WHICH THE
11 OFFICE OF THE CLERK OF THE DISTRICT COURT IS NOT OPEN.

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

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