

**Department of Legislative Services**  
 Maryland General Assembly  
 2004 Session

**FISCAL AND POLICY NOTE**  
**Revised**

Senate Joint Resolution 1	(The President)	
	(By Request – Judicial Compensation Commission)	
Budget and Taxation and Judicial Proceedings		Appropriations

**Judicial Compensation Commission Report**

This joint resolution sets judicial salaries at their current levels for fiscal 2005 and 2006, rather than at the increased levels for fiscal 2005 through 2008 recommended by the Judicial Compensation Commission. The resolution does not address judicial salaries for fiscal 2007 and 2008.

Salaries recommended by the commission take effect automatically unless the resolution is amended by the General Assembly to decrease the salaries within 50 days following its introduction (*i.e.*, on or before March 6, 2004). The revised resolution was passed by the House on February 19, 2004 and by the Senate on February 27, 2004.

**Fiscal Summary**

**State Effect:** None. The resolution maintains current judicial salaries.

**Local Effect:** None – see above.

**Small Business Effect:** None.

**Analysis**

**Current Law:** Judges’ salaries are currently as follows:

<u>Position</u>	<u>Current Salary</u>
<u>Court of Appeals</u>	
Chief Judge	\$150,600
Associate Judge	\$131,600
<u>Court of Special Appeals</u>	
Chief Judge	\$126,800
Associate Judge	\$123,800
<u>Circuit Court</u>	
Judge	\$119,600
<u>District Court</u>	
Chief Judge	\$123,800
Associate Judge	\$111,500

Judges also receive any general State employee salary increases, also referred to as cost-of-living adjustments (COLAs).

The following officials have salaries that are tied to judges' salaries:

- the State Prosecutor and the Public Defender – not less than that of a circuit court judge;
- members of the Workers' Compensation Commission – at least equal to a District Court judge, with the chairman's salary being at least \$1,500 higher than the members' salaries; and
- State's Attorneys of various counties – a percentage of a circuit court or District Court judge's salary.

**Background:** In 1980 the General Assembly created the Judicial Compensation Commission. The General Assembly may amend a joint resolution from the commission to decrease, but not increase, any of the commission salary recommendations. The General Assembly may not reduce a judge's salary below its current level. Failure to adopt or amend the joint resolution within 50 calendar days after its introduction results in adoption of the salaries recommended by the commission. If the General Assembly rejects any of the commission's recommendations, the judges' salaries remain unchanged, unless modified by other provisions of law. A full report on the history and activities of the commission may be found in the *Report of the Judicial Compensation Commission*, January 2004, distributed to all members of the General Assembly.

**State Expenditures:** By law, if this resolution passes the General Assembly, or does not pass both Houses by March 6, 2004, the salary increases recommended by the Judicial Compensation Commission will take effect on July 1, 2004.

As amended, the resolution maintains judicial salaries at their current levels, resulting in no additional costs to the State.

The Governor's proposed budget for fiscal 2005 includes a 1.6% COLA for State employees effective July 1, 2004. Since judges receive any COLA that is awarded to State employees, the judges will receive this increase.

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### **Additional Information**

**Prior Introductions:** Resolutions to alter compensation for the Judiciary are introduced in a year in which there is a recommendation from the Judicial Compensation Commission. The last such recommendations were during the 2002 session (SJ 5/HJ 5) and the 2000 session (SJ 3/HJ 5). Those recommendations were rejected. In the 1998 session, SJ 2/HJ 2 took effect after the General Assembly failed to act within the 50-day time frame. As a result, judicial salaries increased by \$11,275 across the board beginning in fiscal 1999.

**Cross File:** HJ 1 (The Speaker) (By Request – Judicial Compensation Commission) – Appropriations.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of Legislative Services

**Fiscal Note History:** First Reader - February 3, 2004  
mh/hlb Revised - Senate Third Reader - March 29, 2004

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