

**Department of Legislative Services**  
Maryland General Assembly  
2005 Session

**FISCAL AND POLICY NOTE**

House Bill 1071  
Judiciary

(Delegate Kelly, *et al.*)

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**Family Law - Marriage Ceremonies - Former Judges**

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This bill expands the definition of “judge” for the purpose of performing marriage ceremonies, by authorizing former judges who voluntarily retired due to a physical disability to perform marriage ceremonies.

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**Fiscal Summary**

**State Effect:** The bill’s requirements could be met with existing resources.

**Local Effect:** The bill’s requirements could be met with existing resources.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** A judge means a sitting or former judge of the District Court, a circuit court, the Court of Special Appeals, or the Court of Appeals. The definition does not include a former judge who:

- was removed or involuntarily retired pursuant to the State Constitution or laws;
- voluntarily retired by reason of a disability, other than a physical disability;
- had his/her most recent service terminated due to an election defeat for judicial office or due to rejection of Senate confirmation; or
- was censured by the Court of Appeals upon recommendation of the Commission on Judicial Disabilities.

The definition of judge also means a sitting or former judge of the court of another state if the judge is eligible for recall.

**Current Law:** A “former judge” means a judge who previously served in a court. Except as otherwise provided, the Chief Judge of the Court of Appeals may assign any former judge to sit temporarily in any court if the administrative judge of the circuit approves and if the former judge has the requisite experience, meets other specified standards, and if the former judge consents to the assignment.

A former judge may not be recalled for temporary assignment if the judge:

- was removed or involuntarily retired from judicial office pursuant to the State Constitution or laws;
- voluntarily retired by reason of disability;
- had his/her most recent judicial service terminated due to an election defeat to judicial office or due to rejection of Senate confirmation;
- was censured by the Court of Appeals upon recommendation of the Commission on Judicial Disabilities; or
- is practicing law.

A “judge” means:

- a judge of the District Court, a circuit court, the Court of Special Appeals or the Court of Appeals;
- a judge approved for recall and assignment to a State court;
- a judge of the United States District Court or the United States Court of Appeals; or
- a judge of a State court if the judge is active or retired, but eligible for recall.

A marriage ceremony may be performed in Maryland by any religious official of a body or order authorized by rules or custom to perform a marriage ceremony, a clerk of court, a deputy clerk of court designated by the county administrative judge for the county circuit court, or a judge.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - March 9, 2005  
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