

UNOFFICIAL COPY OF HOUSE BILL 413
CONSTITUTIONAL AMENDMENT

D3

(6lr1010)

ENROLLED BILL
-- Judiciary/Judicial Proceedings --

Introduced by **Delegates Vallario, Anderson, Dumais, Gutierrez, Kelley,
McComas, Petzold, Rosenberg, Simmons, Smigiel, and Sophocleus**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Civil Jury Trials - Amount in Controversy**

3 FOR the purpose of authorizing enactment of certain legislation to limit the right of
4 trial by jury in civil proceedings to those proceedings in which the amount in
5 controversy exceeds a certain amount; and submitting this amendment to the
6 qualified voters of the State of Maryland for their adoption or rejection.

7 BY proposing an amendment to the Maryland Constitution
8 Declaration of Rights
9 Article 5(a)

10 BY proposing the repeal and reenactment, without amendment,
11 Declaration of Rights
12 Article 23

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

4 **Declaration of Rights**

5 Article 5.

6 (a) (1) That the Inhabitants of Maryland are entitled to the Common Law of
7 England, and the trial by Jury, according to the course of that Law, and to the benefit
8 of such of the English statutes as existed on the Fourth day of July, seventeen
9 hundred and seventy-six; and which, by experience, have been found applicable to
10 their local and other circumstances, and have been introduced, used and practiced by
11 the Courts of Law or Equity; and also of all Acts of Assembly in force on the first day
12 of June, eighteen hundred and sixty-seven; except such as may have since expired, or
13 may be inconsistent with the provisions of this Constitution; subject, nevertheless, to
14 the revision of, and amendment or repeal by, the Legislature of this State. And the
15 Inhabitants of Maryland are also entitled to all property derived to them from, or
16 under the Charter granted by His Majesty Charles the First to Caecilius Calvert,
17 Baron of Baltimore.

18 (2) ~~SUBJECT TO ARTICLE 23 OF THE DECLARATION OF RIGHTS,~~
19 LEGISLATION MAY BE ENACTED THAT LIMITS THE RIGHT TO TRIAL BY JURY IN CIVIL
20 PROCEEDINGS TO THOSE PROCEEDINGS IN WHICH THE AMOUNT IN CONTROVERSY
21 EXCEEDS A ~~SPECIFIED AMOUNT~~ \$10,000.

22 Article 23.

23 In the trial of all criminal cases, the Jury shall be the Judges of Law, as well as
24 of fact, except that the Court may pass upon the sufficiency of the evidence to sustain
25 a conviction.

26 The right of trial by Jury of all issues of fact in civil proceedings in the several
27 Courts of Law in this State, where the amount in controversy exceeds the sum of
28 \$10,000, shall be inviolably preserved.

29 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
30 determines that the amendment to the Maryland Constitution proposed by this Act
31 affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the
32 Maryland Constitution concerning local approval of constitutional amendments do
33 not apply.

34 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
35 proposed as an amendment to the Maryland Constitution shall be submitted to the
36 legal and qualified voters of this State at the next general election to be held in
37 November, 2006 for their adoption or rejection in pursuance of directions contained in
38 Article XIV of the Maryland Constitution. At that general election, the vote on this
39 proposed amendment to the Constitution shall be by ballot, and upon each ballot
40 there shall be printed the words "For the Constitutional Amendment" and "Against

1 the Constitutional Amendment," as now provided by law. Immediately after the
2 election, all returns shall be made to the Governor of the vote for and against the
3 proposed amendment, as directed by Article XIV of the Maryland Constitution, and
4 further proceedings had in accordance with Article XIV.