

UNOFFICIAL COPY OF HOUSE BILL 967
EMERGENCY BILL

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6lr3187
CF 6lr3370

By: **Delegates Simmons, Vallario, Bohanan, Bozman, Bromwell, Burns,
Cane, Conroy, Conway, DeBoy, James, Jameson, Kelley, Kelly, Levy,
Mayer, McHale, Minnick, Rudolph, Smigiel, Sophocleus, F. Turner, Weir,
and Wood**

Introduced and read first time: February 9, 2006

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Stay of Enforcement of Final Appellate Decisions - Maryland Constitution**
3 **and Declaration of Rights - State Statutes**

4 FOR the purpose of authorizing the Court of Appeals or the Court of Special Appeals
5 to stay enforcement, for a certain period, of its final appellate decisions that hold
6 a State statute violates the Maryland Constitution or Declaration of Rights
7 under certain circumstances; providing for the application of this Act; making
8 this Act an emergency measure; and generally relating to authorizing a certain
9 stay of enforcement of certain final appellate decisions under certain
10 circumstances.

11 BY adding to
12 Article - Courts and Judicial Proceedings
13 Section 12-703
14 Annotated Code of Maryland
15 (2002 Replacement Volume and 2005 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Courts and Judicial Proceedings**

19 12-703.

20 (A) ON ITS OWN MOTION OR A MOTION BY A PARTY, THE COURT OF APPEALS
21 OR THE COURT OF SPECIAL APPEALS MAY STAY ENFORCEMENT OF ANY OF ITS FINAL
22 APPELLATE DECISIONS THAT HOLD A STATE STATUTE VIOLATES THE MARYLAND
23 CONSTITUTION OR DECLARATION OF RIGHTS, IF THE STAY WOULD ENABLE THE
24 GENERAL ASSEMBLY TO ACT IN AN ORDERLY, THOROUGH, OR EXPEDITIOUS FASHION
25 TO:

26 (1) ENACT IMPLEMENTING OR REMEDIAL LEGISLATION; OR

1 (2) PROPOSE A CONSTITUTIONAL AMENDMENT FOR CONSIDERATION BY
2 THE VOTERS.

3 (B) A STAY ISSUED UNDER THIS SECTION MAY EXTEND FOR A PERIOD OF TIME
4 CONSISTENT WITH THE PURPOSES DESCRIBED IN SUBSECTION (A) OF THIS SECTION.

5 (C) THIS SECTION DOES NOT LIMIT THE INHERENT AUTHORITY OF ANY
6 COURT TO ISSUE A STAY.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
8 construed to apply to any final appellate decision issued on or after the effective date
9 of this Act.

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an
11 emergency measure, is necessary for the immediate preservation of the public health
12 or safety, has been passed by a yea and nay vote supported by three-fifths of all the
13 members elected to each of the two Houses of the General Assembly, and shall take
14 effect from the date it is enacted.