
By: **Senator Colburn**

Introduced and read first time: February 3, 2006

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Talbot County - Recall of Former Judge for Temporary Assignment -**
3 **Eligibility**

4 FOR the purpose of altering the eligibility requirements for recall of a former judge in
5 Talbot County for temporary assignment; and generally relating to the recall of
6 former judges for temporary assignment.

7 BY repealing and reenacting, with amendments,
8 Article - Courts and Judicial Proceedings
9 Section 1-302
10 Annotated Code of Maryland
11 (2002 Replacement Volume and 2005 Supplement)

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

14 **Article - Courts and Judicial Proceedings**

15 1-302.

16 (a) In this section, "former judge" means a judge who previously served in a
17 court.

18 (b) Except as provided in subsection (c) of this section, the Chief Judge of the
19 Court of Appeals may assign any former judge to sit temporarily in any court if the
20 temporary assignment is approved by the administrative judge of the circuit in which
21 the former judge is to be assigned and if the former judge:

22 (1) Has served in the aggregate at least 2 years as a judge, except that
23 [in]:

24 (I) IN Baltimore City and Charles, Prince George's, and Harford
25 counties the former judge shall have served in the aggregate at least 3 years as a
26 judge; AND

1 (II) IN TALBOT COUNTY, THE FORMER JUDGE SHALL HAVE SERVED
2 IN THE AGGREGATE AT LEAST 1 YEAR AS A JUDGE;

3 (2) Has been approved for assignment by a majority of the judges of the
4 Court of Appeals;

5 (3) Meets the standards established by this section as well as any
6 additional standards established by rule of the Court of Appeals; and

7 (4) Has consented to the assignment.

8 (c) A former judge may not be recalled for temporary assignment if the judge:

9 (1) Was removed or involuntarily retired from judicial office pursuant to
10 the Constitution or laws of this State;

11 (2) Voluntarily retired by reason of disability;

12 (3) Had the most recent service as a judge terminated by reason of defeat
13 for election to judicial office or by rejection of confirmation by the Senate;

14 (4) Was censured by the Court of Appeals upon recommendation of the
15 Commission on Judicial Disabilities; or

16 (5) Is engaged in the practice of law.

17 (d) A former judge recalled under this section may not be temporarily assigned
18 for more than 180 working days in any calendar year. However, if the case which the
19 former judge is hearing at the end of the 180-day period is not concluded, the time
20 may be extended until that case is concluded.

21 (e) A former judge temporarily assigned under this section has all the power
22 and authority of a judge of the court to which he is assigned.

23 (f) (1) Whether or not he is receiving a retirement allowance, a former judge
24 temporarily assigned under this section shall receive a per diem compensation for
25 each day he is actually engaged in the discharge of judicial duties based on the
26 current annual salary of the court in which he served immediately prior to his
27 resignation or retirement. The per diem shall be computed on the basis of 246
28 working days a year. If the sum of the per diem payments received by a former judge
29 in any one calendar year, when added to the retirement allowance he is entitled to
30 receive during that calendar year, equals the annual salary of a judge of the court in
31 which the former judge served immediately prior to the termination of his active
32 service, no further per diem is payable to the former judge in that calendar year.

33 (2) A deduction may not be withheld for health benefits or retirement
34 purposes from the compensation paid to a former judge during temporary judicial
35 service. The performance of temporary judicial service does not provide additional
36 service for retirement credit purposes.

1 (3) In addition to the per diem compensation provided for in paragraph
2 (1), he shall be reimbursed for reasonable expenses actually incurred by reason of the
3 assignment, in accordance with State joint travel regulations.

4 (g) Preference for temporary assignment shall be given to retired judges from
5 the circuit in which the temporary assignment is to take place.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2006.