

# HOUSE BILL 387

N2, D1

CONSTITUTIONAL AMENDMENT

8lr2246

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By: **Delegates Rosenberg and Cardin**

Introduced and read first time: January 28, 2008

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 4, 2008

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

### 2 **Orphans' Court Judges – Qualifications**

3 FOR the purpose of proposing an amendment to the Maryland Constitution to  
4 authorize the legislature to prescribe additional qualifications for certain  
5 Orphans' Court judges ~~under certain circumstances~~; prohibiting the  
6 qualifications from being more stringent than the qualifications required for  
7 certain other judges; making certain stylistic changes; and submitting this  
8 amendment to the qualified voters of the State of Maryland for their adoption or  
9 rejection.

10 BY proposing an amendment to the Maryland Constitution  
11 Article IV – Judiciary Department  
12 Section 40

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

### 16 **Article IV – Judiciary Department**

17 40.

18 (A) The qualified voters of the City of Baltimore, and of the several Counties,  
19 except Montgomery County and Harford County, shall elect three Judges of the  
20 Orphans' Courts of City and Counties, respectively[, who].

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1           **(B) (1) JUDGES OF THE ORPHANS' COURTS** shall be citizens of the  
2 State and residents, for the twelve months preceding, in the City or County for which  
3 they may be elected.

4           **(2) EXCEPT FOR MONTGOMERY COUNTY AND HARFORD**  
5 **COUNTY, ~~IF THE LOCAL GOVERNING AUTHORITY OF THE CITY OF BALTIMORE~~**  
6 **~~OR A COUNTY BY RESOLUTION SO REQUESTS,~~ THE LEGISLATURE MAY**  
7 **PRESCRIBE ADDITIONAL QUALIFICATIONS FOR JUDGES OF THE ORPHANS'**  
8 **COURT IN ~~THAT CITY OR COUNTY~~ BALTIMORE CITY OR A COUNTY, WHICH MAY**  
9 **NOT BE MORE STRINGENT THAN THE QUALIFICATIONS REQUIRED FOR JUDGES**  
10 **UNDER SECTION 2 OF THIS ARTICLE.**

11           **(C) [They] THE JUDGES** shall have all the powers now vested in the  
12 Orphans' Courts of the State, subject to such changes as the Legislature may  
13 prescribe.

14           **(D)** Each of the Judges shall be paid such compensation as may be regulated  
15 by Law, to be paid by the City or Counties, respectively.

16           **(E)** In case of a vacancy in the office of Judge of the Orphans' Court, the  
17 Governor shall appoint, subject to confirmation or rejection by the Senate, some  
18 suitable person to fill the vacancy for the residue of the term.

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

24           SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section  
25 proposed as an amendment to the Maryland Constitution shall be submitted to the  
26 legal and qualified voters of this State at the next general election to be held in  
27 November, 2008 for their adoption or rejection pursuant to Article XIV of the  
28 Maryland Constitution. At that general election, the vote on this proposed amendment  
29 to the Constitution shall be by ballot, and upon each ballot there shall be printed the  
30 words "For the Constitutional Amendment" and "Against the Constitutional  
31 Amendment," as now provided by law. Immediately after the election, all returns shall  
32 be made to the Governor of the vote for and against the proposed amendment, as  
33 directed by Article XIV of the Maryland Constitution, and further proceedings had in  
34 accordance with Article XIV.