

HOUSE BILL 479

D3

8lr1762
CF 8lr1879

By: **Delegates Rosenberg and Vallario**

Introduced and read first time: January 30, 2008

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Circuit Courts - Venue - Removal**

3 FOR the purpose of providing that a defendant may remove a certain declaratory
4 judgment action or injunction action to the Circuit Court for Anne Arundel
5 County under certain circumstances; defining certain terms; providing for the
6 application of this Act; and generally relating to a right of removal and venue in
7 certain actions.

8 BY adding to

9 Article - Courts and Judicial Proceedings

10 Section 6-204

11 Annotated Code of Maryland

12 (2006 Replacement Volume and 2007 Supplement)

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

15 **Article - Courts and Judicial Proceedings**

16 **6-204.**

17 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
18 MEANINGS INDICATED.

19 (2) "COURT" MEANS A CIRCUIT COURT FOR A COUNTY.

20 (3) "DECLARATORY JUDGMENT ACTION" MEANS A PROCEEDING
21 BROUGHT UNDER TITLE 3, SUBTITLE 4 OF THIS ARTICLE CHALLENGING THE
22 CONSTITUTIONALITY OR VALIDITY OF A PUBLIC GENERAL LAW.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (4) (I) **“INJUNCTION ACTION” MEANS A PRELIMINARY OR**
2 **PERMANENT INJUNCTION, WHETHER SOUGHT AS PRIMARY OR ANCILLARY**
3 **RELIEF, RESTRAINING THE ENFORCEMENT, OPERATION, OR EXECUTION OF A**
4 **PUBLIC GENERAL LAW OR RESTRAINING THE ACTION OF A STATE OFFICER IN**
5 **THE ENFORCEMENT OR EXECUTION OF A PUBLIC GENERAL LAW.**

6 (II) **“INJUNCTION ACTION” INCLUDES AN ACTION IN WHICH**
7 **MANDATORY RELIEF OR A WRIT OF MANDAMUS IS SOUGHT.**

8 (B) **ON THE REQUEST OF A DEFENDANT, THE COURT SHALL ORDER AND**
9 **DIRECT THE RECORD AND PROCEEDINGS IN A DECLARATORY JUDGMENT**
10 **ACTION OR INJUNCTION ACTION TO BE TRANSMITTED TO THE CIRCUIT COURT**
11 **FOR ANNE ARUNDEL COUNTY.**

12 (C) **UNLESS A REQUEST FOR REMOVAL AUTHORIZED UNDER**
13 **SUBSECTION (B) OF THIS SECTION IS FILED BY A DEFENDANT WITHIN 30 DAYS**
14 **AFTER THE DECLARATORY JUDGMENT ACTION OR INJUNCTION ACTION IS**
15 **FILED, THE RIGHT OF REMOVAL IS WAIVED BY THE DEFENDANT.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to
17 any action filed after passage of this Act.

18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 June 1, 2008.