

HOUSE BILL 1559

D1, E2, E1

8lr3350

By: **Delegate Shank**

Introduced and read first time: February 25, 2008

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Courts – Death Penalty Cases – Former Judges**

3 FOR the purpose of prohibiting the Chief Judge of the Court of Appeals from assigning
4 a former judge to sit temporarily in a court in a case in which a sentence of
5 death is sought; and generally relating to the assignment of former judges.

6 BY repealing and reenacting, without amendments,
7 Article – Courts and Judicial Proceedings
8 Section 1–302(a) and (b)
9 Annotated Code of Maryland
10 (2006 Replacement Volume and 2007 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article – Courts and Judicial Proceedings
13 Section 1–302(c)
14 Annotated Code of Maryland
15 (2006 Replacement Volume and 2007 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 1–302.

20 (a) In this section, “former judge” means a judge who previously served in a
21 court.

22 (b) Except as provided in subsection (c) of this section, the Chief Judge of the
23 Court of Appeals may assign any former judge to sit temporarily in any court if the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 temporary assignment is approved by the administrative judge of the circuit in which
2 the former judge is to be assigned and if the former judge:

3 (1) Has served in the aggregate at least 2 years as a judge, except
4 that:

5 (i) In Baltimore City and Charles, Prince George's, and Harford
6 counties the former judge shall have served in the aggregate at least 3 years as a
7 judge; and

8 (ii) In Talbot County, the former judge shall have served in the
9 aggregate at least 1 year as a judge;

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

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

14 (4) Has consented to the assignment.

15 (c) (1) A former judge may not be recalled for temporary assignment if the
16 judge:

17 [(1)] (I) Was removed or involuntarily retired from judicial office
18 pursuant to the Constitution or laws of this State;

19 [(2)] (II) Voluntarily retired by reason of disability;

20 [(3)] (III) Had the most recent service as a judge terminated by reason
21 of defeat for election to judicial office or by rejection of confirmation by the Senate;

22 [(4)] (IV) Was censured by the Court of Appeals upon recommendation
23 of the Commission on Judicial Disabilities; or

24 [(5)] (V) Is engaged in the practice of law.

25 (2) **A FORMER JUDGE MAY NOT BE RECALLED FOR A TEMPORARY**
26 **ASSIGNMENT IN A CASE IN WHICH A SENTENCE OF DEATH IS SOUGHT UNDER §**
27 **2-303 OF THE CRIMINAL LAW ARTICLE.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2008.