

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 479
Judiciary

(Delegates Rosenberg and Vallario)

Circuit Courts - Venue - Removal

This bill provides that on the request of a defendant, a circuit court must order and direct the record and proceedings in a declaratory judgment action challenging the constitutionality or validity of a public general law or an injunction action to restrain the enforcement, operation, or execution of a public general law or the action of a State officer to be transmitted to the Circuit Court for Anne Arundel County.

The bill takes effect June 1, 2008

Fiscal Summary

State Effect: None. The bill would not impact the overall workload of the Judiciary.

Local Effect: Potential increase in the workload and expenditures for the Circuit Court for Anne Arundel County. Any such costs would depend on the number of cases that are removed to the Circuit Court for Anne Arundel County. The number of defendants who would exercise the right of removal afforded under this bill cannot be reliably predicted beforehand.

Small Business Effect: None.

Analysis

Current Law: Generally, by statute, a civil action must be brought in the county where the defendant resides, carries on a regular business, is employed, or habitually engages in a vocation. The general rule has been found by case law to be applicable to a public

officer. Additional venue is provided by statute, such as where the cause of action arose in the case of a tort of negligence.

Background: A declaratory judgment is a statement of the court declaring the rights and duties of the parties in a case or stating an opinion on a question of law without awarding relief. The purpose of the Maryland Uniform Declaratory Judgments Act is to settle and afford relief from uncertainty and insecurity with respect to rights, status, and other legal relations.

In any proceeding involving the constitutionality of a statute, municipal or county ordinance, or franchise, the Attorney General is not required to be made a party, but must be served with a copy of the proceedings. The Attorney General is entitled to be heard, submit any views in writing or seek intervention.

Additional Information

Prior Introductions: None.

Cross File: SB 529 (Senator Raskin, *et al.*) - Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - February 25, 2008
mam/jr

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