

HOUSE BILL 354

D3
HB 644/08 – JUD

CONSTITUTIONAL AMENDMENT

9lr1346

By: **Delegates Barnes, Anderson, Carter, Conaway, Dumais, Dwyer, Levi, McConkey, Ramirez, Schuler, Simmons, Smigiel, Valderrama, and Waldstreicher**

Introduced and read first time: January 30, 2009

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Jury Trials – Amount in Controversy**

3 FOR the purpose of proposing an amendment to the Maryland Declaration of Rights to
4 alter the amount in controversy in civil proceedings in which the right to a jury
5 trial may be limited by legislation; altering the amount in controversy in civil
6 proceedings in which the right to a jury trial shall be inviolably preserved; and
7 submitting this amendment to the qualified voters of the State of Maryland for
8 their adoption or rejection.

9 BY proposing an amendment to the Maryland Constitution
10 Declaration of Rights
11 Article 5(a) and 23

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

15 **Declaration of Rights**

16 Article 5.

17 (a) (1) That the Inhabitants of Maryland are entitled to the Common Law
18 of England, and the trial by Jury, according to the course of that Law, and to the
19 benefit of such of the English statutes as existed on the Fourth day of July, seventeen
20 hundred and seventy-six; and which, by experience, have been found applicable to
21 their local and other circumstances, and have been introduced, used and practiced by
22 the Courts of Law or Equity; and also of all Acts of Assembly in force on the first day of
23 June, eighteen hundred and sixty-seven; except such as may have since expired, or
24 may be inconsistent with the provisions of this Constitution; subject, nevertheless, to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 the revision of, and amendment or repeal by, the Legislature of this State. And the
2 Inhabitants of Maryland are also entitled to all property derived to them from, or
3 under the Charter granted by His Majesty Charles the First to Caecilius Calvert,
4 Baron of Baltimore.

5 (2) Legislation may be enacted that limits the right to trial by jury in
6 civil proceedings to those proceedings in which the amount in controversy exceeds
7 [\$10,000] **\$20,000**.

8 Article 23.

9 In the trial of all criminal cases, the Jury shall be the Judges of Law, as well as
10 of fact, except that the Court may pass upon the sufficiency of the evidence to sustain
11 a conviction.

12 The right of trial by Jury of all issues of fact in civil proceedings in the several
13 Courts of Law in this State, where the amount in controversy exceeds the sum of
14 [\$10,000] **\$20,000**, shall be inviolably preserved.

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

20 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
21 proposed as an amendment to the Maryland Constitution shall be submitted to the
22 legal and qualified voters of this State at the next general election to be held in
23 November, 2010 for their adoption or rejection pursuant to Article XIV of the
24 Maryland Constitution. At that general election, the vote on this proposed amendment
25 to the Constitution shall be by ballot, and upon each ballot there shall be printed the
26 words "For the Constitutional Amendment" and "Against the Constitutional
27 Amendment," as now provided by law. Immediately after the election, all returns shall
28 be made to the Governor of the vote for and against the proposed amendment, as
29 directed by Article XIV of the Maryland Constitution, and further proceedings had in
30 accordance with Article XIV.