

HOUSE BILL 1115

D3, P1

9lr2599

By: **Delegates Frank, Dwyer, and McConkey**
Introduced and read first time: February 13, 2009
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Courts – Legislative Continuances and Time Extensions – Parties to**
3 **Proceedings**

4 FOR the purpose of extending the application of certain provisions of law relating to
5 legislative continuances of legal proceedings and time extensions for the filing of
6 documents relating to legal proceedings to instances where a member or desk
7 officer of the General Assembly or a member of certain legislative committees is
8 a party to a proceeding; and generally relating to legislative continuances and
9 time extensions with respect to certain proceedings.

10 BY repealing and reenacting, with amendments,
11 Article – Courts and Judicial Proceedings
12 Section 6–402
13 Annotated Code of Maryland
14 (2006 Replacement Volume and 2008 Supplement)

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

17 **Article – Courts and Judicial Proceedings**

18 6–402.

19 (a) (1) In this section the following words have the meanings indicated.

20 (2) “Proceeding” includes:

21 (i) An arbitration proceeding;

22 (ii) Any part of an action; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (iii) Any part of an appellate proceeding.

2 (3) "Session" includes an extraordinary session.

3 (b) Subject to subsection (d) of this section, if a member or desk officer of the
4 General Assembly is an attorney of record in, **OR A PARTY TO**, a proceeding, the
5 proceeding shall be continued from 5 days before the legislative session convenes until
6 at least 10 days after it is adjourned.

7 (c) If a member of the Legislative Policy Committee or of any committee or
8 subcommittee thereof or a committee or subcommittee of the State legislature
9 functioning during the legislative interim is an attorney of record in, **OR A PARTY TO**,
10 a proceeding, the proceeding shall be continued while the committee or subcommittee
11 is holding a meeting.

12 (d) If a brief, a memorandum of law, or another document is required to be
13 filed in a proceeding continued under this section:

14 (1) The proceeding shall be continued for a time sufficient to allow it to
15 be prepared and filed; and

16 (2) Any time prescribed by the Maryland Rules, by rule or order of
17 court, or by any statute applicable to the filing of the document shall begin to run 10
18 days after the General Assembly adjourns.

19 (e) The attorney **OR PARTY** may waive the benefit of this section.

20 (f) The attorney **OR PARTY** may exercise any right under this section after
21 filing a motion or letter with the appropriate court or administrative agency without
22 the attorney **OR PARTY** personally appearing.

23 (g) This section applies to a proceeding in a federal, State, or local court or
24 administrative agency.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2009.