

SENATE BILL 770

N2, D2

CONSTITUTIONAL AMENDMENT

0lr3094
CF HB 417

By: **Senator Gladden**

Introduced and read first time: February 10, 2010

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: March 23, 2010

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City – Orphans’ Court Judges – Qualifications**

3 FOR the purpose of proposing an amendment to the Maryland Constitution to
4 prescribe different qualifications for judges of the Orphans’ Court for Baltimore
5 City; requiring judges of the Orphans’ Court for Baltimore City to have been
6 admitted to practice law in this State and be members in good standing of the
7 Maryland Bar; making certain technical changes; and submitting this
8 amendment to the qualified voters of the State of Maryland for their adoption or
9 rejection.

10 BY proposing an amendment to the Maryland Constitution

11 Article IV – Judiciary Department

12 Section 40

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

16 **Article IV – Judiciary Department**

17 40.

18 (A) The qualified voters of [the City of Baltimore, and of] the several
19 Counties, except Montgomery County and Harford County, shall elect three Judges of
20 the Orphans’ Courts of [City and] Counties[, respectively,] who shall be citizens of the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 State and residents, for the twelve months preceding, in the [City or] County for
2 which they may be elected.

3 **(B) THE QUALIFIED VOTERS OF THE CITY OF BALTIMORE SHALL ELECT**
4 **THREE JUDGES OF THE ORPHANS' COURT FOR BALTIMORE CITY WHO SHALL**
5 **BE CITIZENS OF THE STATE AND RESIDENTS, FOR THE TWELVE MONTHS**
6 **PRECEDING, IN BALTIMORE CITY AND WHO HAVE BEEN ADMITTED TO**
7 **PRACTICE LAW IN THIS STATE AND ARE MEMBERS IN GOOD STANDING OF THE**
8 **MARYLAND BAR.**

9 **(C) [They] THE JUDGES** shall have all the powers now vested in the Orphans'
10 Courts of the State, subject to such changes as the Legislature may prescribe.

11 **(D)** Each of the Judges shall be paid such compensation as may be regulated
12 by Law, to be paid by the City or Counties, respectively.

13 **(E)** In case of a vacancy in the office of Judge of the Orphans' Court, the
14 Governor shall appoint, subject to confirmation or rejection by the Senate, some
15 suitable person to fill the vacancy for the residue of the term.

16 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
17 determines that the amendment to the Maryland Constitution proposed by this Act
18 affects only the City of Baltimore and that the provisions of Article XIV, § 1 of the
19 Maryland Constitution concerning local approval of constitutional amendments 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.