

BY: Senator Jennings

AMENDMENTS TO SENATE BILL 616  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, strike “CONSTITUTIONAL AMENDMENT”; in line 2, strike “Judges - Mandatory” and substitute “Commission to Study the”; in the same line, after “Retirement” insert “of Judges”; strike beginning with “proposing” in line 3 down through “rejection” in line 7 and substitute “establishing the Commission to Study the Retirement of Judges; providing for the membership and staffing of the Commission; requiring the Governor to designate a chair of the Commission; establishing that the members of the Commission may not receive compensation but are entitled to a certain reimbursement; establishing the duties of the Commission; requiring the Commission to make a certain report on or before a certain date; providing for the termination of this Act; and generally relating to the Commission to Study the Retirement of Judges”; strike in their entirety lines 8 through 13, inclusive; and strike beginning with “(Three-fifths” in line 15 down through “follows” in line 16 and substitute “That”.

AMENDMENT NO. 2

On pages 1 through 4, strike in their entirety the lines beginning with line 17 on page 1 through line 37 on page 4, inclusive, and substitute:

“(a) There is a Commission to Study the Retirement of Judges.

(b) The Commission consists of the following members:

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(Over)

(3) three members appointed by the Governor, one of whom may not be an attorney and may not have a personal or professional connection to the Maryland Judiciary;

(4) three members appointed by the Maryland Judicial Conference;  
and

(5) one member representing the Maryland State Bar Association, appointed by the President of the Association.

(c) The Governor shall designate the chair of the Commission.

(d) The Department of Legislative Services shall provide staff for the Commission.

(e) A member of the Commission:

(1) may not receive compensation as a member of the Commission; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Commission shall study issues relating to:

(1) the current mandatory retirement age for judges in the State and potential changes to the current age;

(2) assigning retired judges to sit temporarily in all courts in the State;

(3) requiring continuing education for all retired judges who are available to sit temporarily in court;

(4) the impact of appointing retired judges to sit temporarily in court on the length of time between argument on a case and the issuance of opinion, including a comparison of the average length of time between oral arguments and the issuance of an opinion assigned to a sitting judge and the average length of time between oral arguments and the issuance of an opinion issued by a retired judge sitting temporarily; and

(5) whether an upper limit should be established for the age of a retired judge assigned to perform judicial duties.

(g) On or before January 1, 2014, the Commission shall report its findings to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2012. It shall remain effective for a period of 1 year and 7 months and, at the end of January 31, 2014, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.