

HOUSE BILL 496

E2

CONSTITUTIONAL AMENDMENT

5lr2754

By: **Delegates Vallario, Anderson, Cluster, Jackson, Kittleman, McComas, and Oaks**

Introduced and read first time: February 11, 2015

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Government–Funded Legal Representation – Initial**
3 **Appearance**

4 FOR the purpose of proposing an amendment to the Maryland Constitution establishing
5 that a certain constitutional provision may not be construed to require
6 government–funded legal representation of an indigent defendant at an initial
7 appearance before a District Court commissioner; and submitting this amendment
8 to the qualified voters of the State for their adoption or rejection.

9 BY proposing an amendment to the Maryland Constitution
10 Declaration of Rights
11 Article 24

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

15 **Declaration of Rights**

16 24.

17 **(A)** That no man ought to be taken or imprisoned or disseized of his freehold,
18 liberties or privileges, or outlawed, or exiled, or, in any manner, destroyed, or deprived of
19 his life, liberty or property, but by the judgment of his peers, or by the Law of the land.

20 **(B) THIS ARTICLE MAY NOT BE CONSTRUED TO REQUIRE**
21 **GOVERNMENT–FUNDED LEGAL REPRESENTATION OF AN INDIGENT DEFENDANT AT**
22 **AN INITIAL APPEARANCE BEFORE A DISTRICT COURT COMMISSIONER.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

5 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
6 proposed as an amendment to the Maryland Constitution shall be submitted to the
7 qualified voters of the State at the next general election to be held in November 2016 for
8 their adoption or rejection pursuant to Article XIV of the Maryland Constitution. At that
9 general election, the vote on this proposed amendment to the Constitution shall be by
10 ballot, and upon each ballot there shall be printed the words "For the Constitutional
11 Amendment" and "Against the Constitutional Amendment," as now provided by law.
12 Immediately after the election, all returns shall be made to the Governor of the vote for and
13 against the proposed amendment, as directed by Article XIV of the Maryland Constitution,
14 and further proceedings had in accordance with Article XIV.