

Department of Legislative Services  
Maryland General Assembly  
2015 Session

FISCAL AND POLICY NOTE

House Bill 434  
Judiciary

(Delegate Impallaria, *et al.*)

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Courts - Aggravated Murder Court

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This proposed constitutional amendment authorizes the General Assembly to create by law an Aggravated Murder Court, which would be a trial court with original and exclusive uniform statewide jurisdiction over offenses that were formerly punishable by death. The Attorney General is required to prosecute all cases in the Aggravated Murder Court. Judges on the Aggravated Murder Court are not elected in the same manner as circuit court judges.

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Fiscal Summary

**State Effect:** None. It is assumed that the potential for increased costs to include any constitutional amendments proposed by the General Assembly on the ballot at the next general election will have been anticipated in the State Board of Elections' budget. Adoption of the constitutional amendment does not directly affect State finances; the General Assembly would need to pass additional legislation to actually create an Aggravated Murder Court.

**Local Effect:** None. It is assumed that the potential for increased costs to notify voters of any constitutional amendments proposed by the General Assembly, and to include any proposed constitutional amendments on the ballot at the next general election, will have been anticipated in local boards of elections' budgets.

**Small Business Effect:** None.

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## Analysis

**Current Law:** Murder cases are tried in circuit courts with State's Attorneys serving as prosecutors. Persons charged with first-degree murder, if found guilty, are sentenced to imprisonment for life or imprisonment for life without the possibility of parole. Prior to 2013, persons charged with first-degree murder were also subject to the death penalty in specified circumstances. Chapter 156 of 2013 repealed the death penalty and all related provisions.

The Maryland Constitution requires the Attorney General to prosecute and defend all cases by or against the State pending in the State's appellate courts, in the U.S. Supreme Court, or the federal courts. This requirement also applies to cases that are not by or against the State, but are ones in which the State may be interested, except for criminal appeals otherwise prescribed by the General Assembly. The Maryland Constitution also requires the Attorney General to aid State's Attorneys in certain instances, or investigate, commence, prosecute, or defend certain legal actions at the direction of the General Assembly or the Governor.

Circuit court judges are nominated by principal political parties or during a primary election and are elected to office in a general election. Candidates may appear by petition on the general election ballot. Article IV of the Maryland Constitution specifies that vacancies in the office of a circuit court judge be filled by gubernatorial appointment until the election and qualification of a successor at the first general election one year after the occurrence of the vacancy.

**State Fiscal Effect:** State costs of printing ballots may increase to the extent inclusion of the proposed constitutional amendment on the ballot at the next general election would result in a need for a larger ballot card size or an additional ballot card for a given ballot (the content of ballots varies across the State, depending on the offices, candidates, and questions being voted on). However, it is assumed that the potential for such increased costs will have been anticipated in the State Board of Elections' budget. Pursuant to Chapter 564 of 2001, the State Board of Elections shares the costs of printing paper ballots with the local boards of elections.

**Local Fiscal Effect:** Local boards of elections' printing and mailing costs may increase to include information on the proposed constitutional amendment with specimen ballots mailed to voters prior to the next general election and to include the proposed amendment on ballots. It is assumed, however, that the potential for such increased costs will have been anticipated in local boards of elections' budgets.

## **Additional Information**

**Prior Introductions:** HB 651 of 2014 received an unfavorable report from the House Judiciary Committee.

**Cross File:** None.

**Information Source(s):** Maryland State Commission on Criminal Sentencing Policy, Judiciary (Administrative Office of the Courts), Office of the Public Defender, State's Attorneys' Association, Department of Legislative Services

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