

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 496 (Delegate Krebs)
Environment and Transportation Education, Health, and Environmental Affairs

Ethics Commission, Commission on Judicial Disabilities, Judicial Ethics
Committee, and Joint Ethics Committee - Duties

This bill includes the Judicial Ethics Committee as one of the bodies that may be designated by the Court of Appeals to administer and implement Public Ethics Law provisions that relate to conflicts of interest and financial disclosure as they apply to State officials of the Judicial Branch. The bill also makes stylistic and conforming changes.

Fiscal Summary

State Effect: The bill's requirements can be handled using existing budgeted resources; Maryland Rule 16-812.1 designates the Judicial Ethics Committee as the body to give advice with respect to the application or interpretation of the Public Ethics Law as it applies to State officials of the Judicial Branch.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A State official of the Judicial Branch is a judge, a judge-elect, and a judicial appointee.

Advisory Bodies

The Maryland Public Ethics Law sets out requirements, prohibitions, and procedures that affect State officials in the Legislative, Executive, and Judicial branches of government for

the purpose of maintaining people's trust in government and protecting against the improper influence and appearance of improper influence of government.

The Public Ethics Law is generally administered and implemented by the State Ethics Commission, with two statutory exceptions. First, the Joint Ethics Committee must administer and implement provisions related to conflicts of interest as they apply to members of the General Assembly. Second, the Commission on Judicial Disabilities, or another body designated by the Court of Appeals, must administer and implement provisions related to conflicts of interest and financial disclosure as they apply to State officials of the Judicial Branch.

Conflicts of Interest and Financial Disclosure

Generally, a State employee or official may not participate in a matter if the employee or official encounters a conflict of interest, with specified exceptions. For example, an interest of a member of the General Assembly conflicts with the public interest if the legislator's interest tends to impair the legislator's independence of judgment. In this case, the conflict disqualifies the legislator from participating in any legislative action, or otherwise attempting to influence any legislation, to which the conflict relates.

Most State officials and candidates for State office are also required to file financial disclosure statements on an annual basis. This statement must be filed under oath with the State Ethics Commission before April 30 of each year, and it covers the calendar year that precedes the filing. For judges, the Court of Appeals is charged with issuing rules requiring judges, candidates for judgeships, and judicial appointees to disclose information that the court considers necessary or appropriate to promote continued trust and confidence in the integrity of the Judicial Branch.

Background: The Maryland Commission on Judicial Disabilities is an independent body with the power to investigate complaints against Maryland judges and, when appropriate, conduct hearings related to the complaint. The commission may also take certain punitive actions or make recommendations for other actions to the Court of Appeals.

The Judicial Ethics Committee acts as an advisory body and, upon request from a State official of the Judicial Branch, provides guidance with respect to the application of the Maryland Code of Judicial Conduct, the Maryland Code of Conduct for Judicial Appointees, and the Public Ethics Law. The committee also submits recommendations for necessary or desirable changes in any ethics provision to the Court of Appeals.

Additional Information

Prior Introductions: SB 445 of 2015, a similar bill, received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken. Its cross file, HB 81, passed the House with amendments and was referred to the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken.

Cross File: SB 194 (Senator Ready) - Education, Health, and Environmental Affairs.

Information Source(s): Judiciary (Administrative Office of the Courts), State Ethics Commission, Department of Legislative Services

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md/kdm

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