

# HOUSE BILL 490

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By: **Delegates Rosenberg, Attar, and Bridges**

Introduced and read first time: January 24, 2020

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of authorizing the Mayor and City Council of Baltimore City to determine  
4 the salary of the judges of the Orphans’ Court for Baltimore City; authorizing the  
5 Mayor and City Council of Baltimore City to determine the pension of the judges of  
6 the Orphans’ Court for Baltimore City; providing for the application of this Act; and  
7 generally relating to compensation for judges of the Orphans’ Court.

8 BY repealing and reenacting, with amendments,

9 Article – Estates and Trusts

10 Section 2–108(d)

11 Annotated Code of Maryland

12 (2017 Replacement Volume and 2019 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

14 That the Laws of Maryland read as follows:

15 **Article – Estates and Trusts**

16 2–108.

17 (d) (1) (i) Each [associate] judge of the Court of Baltimore City shall  
18 receive an annual compensation [of \$74,000, and the Chief Judge shall receive an annual  
19 compensation of \$84,500] **AS DETERMINED BY THE MAYOR AND CITY COUNCIL OF**  
20 **BALTIMORE CITY.**

21 (ii) Each [associate] judge who was in active service on or after  
22 January 1, 1984 shall be paid after the termination of active service, if the [associate] judge  
23 is then at least 60 years of age or when the [associate] judge shall attain 60 years of age, a  
24 pension or salary [calculated at the rate of \$3,725 annually for each year, or a part of a

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 year, of active service; but the maximum pension or salary for the service by an associate  
2 judge may not exceed \$37,250 annually] **AS DETERMINED BY THE MAYOR AND CITY**  
3 **COUNCIL OF BALTIMORE CITY.**

4 [(iii) 1. Each Chief Judge who was in active service on or after  
5 January 1, 1984, shall be paid, after the termination of active service, if the Chief Judge is  
6 then at least 60 years of age or when the Chief Judge shall attain 60 years of age, a pension  
7 or salary calculated at the rate of \$4,225 annually for each year, or a part of a year of active  
8 service; but the maximum pension or salary for the service by a Chief Judge may not exceed  
9 \$42,250 annually.

10 2. The pension or salary shall be paid by the City of  
11 Baltimore in the same manner as the salaries of the judges of the Court for the City are  
12 paid.]

13 (2) (i) The surviving spouse of every elected judge of the Court of  
14 Baltimore City shall be paid one-half of the pension to which the judge's spouse was  
15 entitled at the time of the judge's death, or would have become entitled to by reason of  
16 attaining 60 years of age.

17 (ii) In each instance, the pension shall be paid to the spouse until  
18 remarriage or death.

19 (iii) The provisions of this subsection shall not apply in the case of a  
20 spouse who was married to a sitting judge for a period of less than 3 years before the judge's  
21 death, and to a retired judge for a period less than 3 years before the judge's retirement.

22 SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35  
23 of the Maryland Constitution, the City Council of Baltimore City may not extend or apply  
24 changes to the salary or compensation of a judge while serving in a term of office beginning  
25 before the effective date of this Act, but may implement changes concerning the salary or  
26 compensation of a judge to take effect at the beginning of the next following term of office.  
27 This limitation does not apply to an individual appointed or elected after the effective date  
28 of this Act to fill out an unexpired term.

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 October 1, 2020.