

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 484
Judiciary

(Delegate Impallaria, *et al.*)

Courts - Aggravated Murder Court

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.

Fiscal Summary

State Effect: None. Adoption of the constitutional amendment does not directly affect State finances, as discussed below.

Local Effect: None.

Small Business Effect: None.

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 Chapter 156 of 2013 repealed the death penalty and all related provisions.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: Because the constitutional amendment only authorizes the creation of an Aggravated Murder Court by the General Assembly, there is no direct fiscal impact. The General Assembly would still need to pass additional legislation to actually create an Aggravated Murder Court. If the constitutional amendment is adopted by the voters and the General Assembly proposes to create an Aggravated Murder Court through legislation, the fiscal impact on affected entities, including the Office of the Public Defender, the Judiciary, and the Office of the Attorney General will be accounted for in the fiscal and policy note for the relevant bill.

Additional Information

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

Designated Cross File: None.

Information Source(s): Office of the Attorney General; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Legislative Services

Fiscal Note History: First Reader - February 6, 2020
mr/lgc

Analysis by: Jennifer K. Botts

Direct Inquiries to:
(410) 946-5510
(301) 970-5510