

Chapter 220

(House Bill 490)

AN ACT concerning

Baltimore City – Orphans’ Court Judges – Compensation

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

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 2–108(d)
Annotated Code of Maryland
(2017 Replacement Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Estates and Trusts

2–108.

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

(ii) Each [associate] judge who was in active service on or after January 1, 1984 shall be paid after the termination of active service, if the [associate] judge is then at least 60 years of age or when the [associate] judge shall attain 60 years of age, a pension or salary [calculated at the rate of \$3,725 annually for each year, or a part of a year, of active service; but the maximum pension or salary for the service by an associate judge may not exceed \$37,250 annually] **AS DETERMINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY.**

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

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

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

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

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

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

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

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.