

# SENATE BILL 666

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SB 393/20 – JPR

CONSTITUTIONAL AMENDMENT

11r2265  
CF HB 885

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By: **Senator Peters**

Introduced and read first time: February 3, 2021

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Courts of Appeals and Special Appeals – Renaming**

3 FOR the purpose of proposing an amendment to the Maryland Constitution to change the  
4 name of the Court of Appeals to be the Supreme Court of Maryland, to change the  
5 name of the Court of Special Appeals to be the Appellate Court of Maryland, to  
6 change the name of a Judge of the Court of Appeals to be a Justice of the Supreme  
7 Court of Maryland, and to change the name of the Chief Judge of the Court of  
8 Appeals to be the Chief Justice of the Supreme Court of Maryland; providing that  
9 the Supreme Court of Maryland is the successor to the Court of Appeals; providing  
10 that the Appellate Court of Maryland is the successor to the Court of Special Appeals;  
11 providing that a Justice of the Supreme Court of Maryland is the successor to a Judge  
12 of the Court of Appeals; providing that the Chief Justice of the Supreme Court of  
13 Maryland is the successor to the Chief Judge of the Court of Appeals; providing that  
14 the Chief Judge of the Appellate Court of Maryland is the successor to the Chief  
15 Judge of the Court of Special Appeals; providing that a Judge of the Appellate Court  
16 of Maryland is the successor to a Judge of the Court of Special Appeals; providing  
17 that the Clerk of the Supreme Court of Maryland is the successor the Clerk of the  
18 Court of Appeals; providing that the Clerk of the Appellate Court of Maryland is the  
19 successor to the Clerk of the Court of Special Appeals; providing that certain names  
20 and titles of a certain unit and officials in laws and other documents mean the names  
21 and titles of the successor unit and officials; providing for the continuity of certain  
22 matters and persons; providing that letterhead, business cards, and other documents  
23 reflecting the renaming of the Court of Appeals, the Court of Special Appeals, a  
24 Judge of the Court of Appeals, and the Chief Judge of the Court of Appeals may not  
25 be used until all letterhead, business cards, and other documents already in print  
26 and reflecting the name of the Court of Appeals, the Court of Special Appeals, a  
27 Judge of the Court of Appeals, and the Chief Judge of the Court of Appeals before  
28 the effective date of this Act are used; changing references to the Court of Appeals,  
29 the Court of Special Appeals, a Judge of the Court of Appeals, and the Chief Judge  
30 of the Court of Appeals in the Annotated Code of Maryland to the Supreme Court of  
31 Maryland, the Appellate Court of Maryland, a Justice of the Supreme Court of

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Maryland, and the Chief Justice of the Supreme Court of Maryland, respectively, on the passage and ratification of a certain constitutional amendment; making stylistic changes; requiring the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, to correct any cross-references or terminology rendered incorrect by this Act and to describe any corrections made in an editor's note following the section affected; and submitting this amendment to the qualified voters of the State for their adoption or rejection.

BY proposing an amendment to the Maryland Constitution

Article II – Executive Department

Section 6

BY proposing an amendment to the Maryland Constitution

Article III – Legislative Department

Section 5, 30, and 52

BY proposing an amendment to the Maryland Constitution

Article IV – Judiciary Department

Section 1, 3, 3A, 4B, 5A, 10, 14, 15, 16, 17, 18, 22, and 41E

BY proposing an amendment to the Maryland Constitution

Article V – Attorney-General and State's Attorneys

Section 6

BY proposing an amendment to the Maryland Constitution

Article XVII – Quadrennial Elections

Section 3

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, (Three-fifths of all the members elected to each of the two Houses concurring), That it be proposed that the Maryland Constitution read as follows:

### **Article II – Executive Department**

6.

(a) If the Governor-elect is disqualified, resigns, or dies, the Lieutenant Governor-elect shall become Governor for the full term. If the Governor-elect fails to assume office for any other reason, the newly elected Lieutenant Governor shall become Lieutenant Governor and shall serve as acting Governor until the Governor-elect assumes office or until the office becomes vacant.

(b) The Lieutenant Governor shall serve as acting Governor when notified in writing by the Governor that the Governor will be temporarily unable to perform the duties of [his] **THE GOVERNOR'S** office. The Lieutenant Governor also shall serve as acting Governor when the Governor is disabled but is unable to communicate to the Lieutenant

1 Governor the fact of [his] **THE GOVERNOR'S** inability to perform the duties of [his] **THE**  
2 **GOVERNOR'S** office. In either event the Lieutenant Governor shall serve as acting  
3 Governor until notified in writing by the Governor that [he] **THE GOVERNOR** is able to  
4 resume the duties of [his] **THE GOVERNOR'S** office or until the office becomes vacant.

5 (c) The General Assembly, by the affirmative vote of three-fifths of all its  
6 members in joint session, may adopt a resolution declaring that the Governor or Lieutenant  
7 Governor is unable by reason of physical or mental disability to perform the duties of [his]  
8 **THE** office. When action is undertaken pursuant to this subsection of the Constitution, the  
9 officer who concludes that the other officer is unable, by reason of disability to perform the  
10 duties of [his] **THE** office shall have the power to call the General Assembly into Joint  
11 Session. The resolution, if adopted, shall be delivered to the [Court of Appeals] **SUPREME**  
12 **COURT OF MARYLAND**, which then shall have exclusive jurisdiction to determine whether  
13 that officer is unable by reason of the disability to perform the duties of [his] **THE** office. If  
14 the [Court of Appeals] **SUPREME COURT OF MARYLAND** determines that such officer is  
15 unable to discharge the duties of [his] **THE** office by reason of a permanent disability, the  
16 office shall be vacant. If the [Court of Appeals] **SUPREME COURT OF MARYLAND**  
17 determines that such officer is unable to discharge the duties of [his] **THE** office by reason  
18 of a temporary disability, it shall declare the office to be vacant during the time of the  
19 disability and the Court shall have continuing jurisdiction to determine when the disability  
20 has terminated. If the General Assembly and the [Court of Appeals] **SUPREME COURT**  
21 **OF MARYLAND**, acting in the same manner as described above, determine that the  
22 Governor-elect or Lieutenant Governor-elect is unable by reason of physical or mental  
23 disability to perform the duties of the **ELECTED** office [to which he has been elected], [he]  
24 **THE ELECTED OFFICER** shall be disqualified to assume office.

25 (d) When a vacancy occurs in the office of Governor, the Lieutenant Governor  
26 shall succeed to that office for the remainder of the term. When a vacancy occurs in the  
27 office of Lieutenant Governor, the Governor shall nominate a person who shall succeed to  
28 that office upon confirmation by the affirmative vote of a majority of all members of the  
29 General Assembly in joint session.

30 (e) If vacancies in the offices of Governor and Lieutenant Governor exist at the  
31 same time, the General Assembly shall convene forthwith, and the office of Governor shall  
32 be filled for the remainder of the term by the affirmative vote of a majority of all members  
33 of the General Assembly in joint session. The person so chosen as Governor by the General  
34 Assembly shall then nominate a person to succeed to the office of Lieutenant Governor,  
35 upon confirmation by the affirmative vote of a majority of all members of the General  
36 Assembly in the same joint session. The President of the Senate shall serve as acting  
37 Governor until the newly elected Governor has qualified. If a vacancy exists in the office of  
38 Lieutenant Governor, at a time when the Lieutenant Governor is authorized to serve as  
39 acting Governor, the President of the Senate shall serve as acting Governor. If there is a  
40 vacancy in the office of the President of the Senate at a time when [he] **THE PRESIDENT**  
41 is authorized to serve as acting Governor, the Senate shall forthwith convene and fill the  
42 vacancy.

1 (f) When the Lieutenant Governor or a person elected by the General Assembly  
2 succeeds to the office of Governor, [he] **THE PERSON WHO SUCCEEDS TO THE OFFICE**  
3 shall have the title, powers, duties, and emoluments of that office; but when the Lieutenant  
4 Governor or the President of the Senate serves as acting Governor, [he] **THE ACTING**  
5 **GOVERNOR** shall have only the powers and duties of that office. When the President of the  
6 Senate serves as acting Governor, [he] **THE PRESIDENT** shall continue to be President of  
7 the Senate, but [his] **THE PRESIDENT'S** duties as president shall be performed by such  
8 other person as the Senate shall select.

9 (g) The [Court of Appeals] **SUPREME COURT OF MARYLAND** shall have  
10 original and exclusive jurisdiction to adjudicate disputes or questions arising from the  
11 failure of the Governor–elect to take office, or the service of the Lieutenant Governor or  
12 President of the Senate as acting Governor, or the creation of a vacancy in the office of  
13 Governor or Lieutenant Governor by reason of disability, or the succession to the office of  
14 Governor or Lieutenant Governor, or the exercise of the powers and duties of a successor to  
15 the office of Governor.

### 16 Article III – Legislative Department

17 5.

18 Following each decennial census of the United States and after public hearings, the  
19 Governor shall prepare a plan setting forth the boundaries of the legislative districts for  
20 electing of the members of the Senate and the House of Delegates.

21 The Governor shall present the plan to the President of the Senate and Speaker of  
22 the House of Delegates who shall introduce the Governor's plan as a joint resolution to the  
23 General Assembly, not later than the first day of its regular session in the second year  
24 following every census, and the Governor may call a special session for the presentation of  
25 [his] **THE** plan prior to the regular session. The plan shall conform to Sections 2, 3 and 4 of  
26 this Article. Following each decennial census the General Assembly may by joint resolution  
27 adopt a plan setting forth the boundaries of the legislative districts for the election of  
28 members of the Senate and the House of Delegates, which plan shall conform to Sections  
29 2, 3 and 4 of this Article. If a plan has been adopted by the General Assembly by the 45th  
30 day after the opening of the regular session of the General Assembly in the second year  
31 following every census, the plan adopted by the General Assembly shall become law. If no  
32 plan has been adopted by the General Assembly for these purposes by the 45th day after  
33 the opening of the regular session of the General Assembly in the second year following  
34 every census, the Governor's plan presented to the General Assembly shall become law.

35 Upon petition of any registered voter, the [Court of Appeals] **SUPREME COURT OF**  
36 **MARYLAND** shall have original jurisdiction to review the legislative districting of the State  
37 and may grant appropriate relief, if it finds that the districting of the State is not consistent  
38 with requirements of either the Constitution of the United States of America, or the  
39 Constitution of Maryland.

1 30.

2 Every bill, when passed by the General Assembly, and sealed with the Great Seal,  
3 shall be presented by the presiding officer of the House in which it originated to the  
4 Governor for [his] **THE GOVERNOR'S** approval. All bills passed during a regular or special  
5 session shall be presented to the Governor for [his] **THE GOVERNOR'S** approval no later  
6 than 20 days after adjournment. Within 30 days after presentment, if the Governor  
7 approves the bill, [he] **THE GOVERNOR** shall sign the same in the presence of the presiding  
8 officers and Chief Clerks of the Senate and House of Delegates. Every Law shall be recorded  
9 in the office of the [Court of Appeals] **SUPREME COURT OF MARYLAND**, and in due time,  
10 be printed, published and certified under the Great Seal, to the several Courts, in the same  
11 manner as has been heretofore usual in this State.

12 52.

13 (1) The General Assembly shall not appropriate any money out of the Treasury  
14 except in accordance with the provisions of this section.

15 (2) Every appropriation bill shall be either a Budget Bill, or a Supplementary  
16 Appropriation Bill, as hereinafter provided.

17 (3) On the third Wednesday in January in each year, (except in the case of a newly  
18 elected Governor, and then not later than ten days after the convening of the General  
19 Assembly), unless such time shall be extended by the General Assembly, the Governor shall  
20 submit to the General Assembly a Budget for the next ensuing fiscal year. Each Budget  
21 shall contain a complete plan of proposed expenditures and estimated revenues for said  
22 fiscal year and shall show the estimated surplus or deficit of revenues at the end of the  
23 preceding fiscal year. Accompanying each Budget shall be a statement showing: (a) the  
24 revenues and expenditures for the preceding fiscal year; (b) the current assets, liabilities,  
25 reserves and surplus or deficit of the State; (c) the debts and funds of the State; (d) an  
26 estimate of the State's financial condition as of the beginning and end of the preceding fiscal  
27 year; (e) any explanation the Governor may desire to make as to the important features of  
28 the Budget and any suggestions as to methods for reduction or increase of the State's  
29 revenue.

30 (4) Each Budget shall embrace an estimate of all appropriations in such form and  
31 detail as the Governor shall determine or as may be prescribed by law, as follows: (a) for  
32 the General Assembly as certified to the Governor in the manner hereinafter provided; (b)  
33 for the Executive Department; (c) for the Judiciary Department, as provided by law, as  
34 certified to the Governor; (d) to pay and discharge the principal and interest of the debt of  
35 the State in conformity with Section 34 of Article III of the Constitution, and all laws  
36 enacted in pursuance thereof; (e) for the salaries payable by the State and under the  
37 Constitution and laws of the State; (f) for the establishment and maintenance throughout  
38 the State of a thorough and efficient system of public schools in conformity with Article 8  
39 of the Constitution and with the laws of the State; and (g) for such other purposes as are  
40 set forth in the Constitution or laws of the State.

1           (5) The Governor shall deliver to the presiding officer of each House the Budget  
2 and a bill for all the proposed appropriations of the Budget classified and in such form and  
3 detail as [he] **THE GOVERNOR** shall determine or as may be prescribed by law; and the  
4 presiding officer of each House shall promptly cause said bill to be introduced therein, and  
5 such bill shall be known as the "Budget Bill." The Governor may, with the consent of the  
6 General Assembly, before final action thereon by the General Assembly, amend or  
7 supplement said Budget to correct an oversight, provide funds contingent on passage of  
8 pending legislation or, in case of an emergency, by delivering such an amendment or  
9 supplement to the presiding officers of both Houses; and such amendment or supplement  
10 shall thereby become a part of said Budget Bill as an addition to the items of said bill or as  
11 a modification of or a substitute for any item of said bill such amendment or supplement  
12 may affect.

13           (5a) The Budget and the Budget Bill as submitted by the Governor to the General  
14 Assembly shall have a figure for the total of all proposed appropriations and a figure for  
15 the total of all estimated revenues available to pay the appropriations, and the figure for  
16 total proposed appropriations shall not exceed the figure for total estimated revenues.  
17 Neither the Governor in submitting an amendment or supplement to the Budget Bill nor  
18 the General Assembly in amending the Budget Bill shall thereby cause the figure for total  
19 proposed appropriations to exceed the figure for total estimated revenues, including any  
20 revisions, and in the Budget Bill as enacted the figure for total estimated revenues always  
21 shall be equal to or exceed the figure for total appropriations.

22           (6) The General Assembly shall not amend the Budget Bill so as to affect either  
23 the obligations of the State under Section 34 of Article III of the Constitution, or the  
24 provisions made by the laws of the State for the establishment and maintenance of a system  
25 of public schools or the payment of any salaries required to be paid by the State of Maryland  
26 by the Constitution.

27           (6a) In enacting a balanced Budget Bill each fiscal year as required under this  
28 Section, the General Assembly may amend the bill by increasing or diminishing the items  
29 therein relating to the General Assembly, and by increasing or diminishing the items  
30 therein relating to the judiciary, but except as hereinbefore specified, may not alter the bill  
31 except to strike out or reduce items therein, provided, however, that the salary or  
32 compensation of any public officer may not be decreased during the public officer's term  
33 of office. When passed by both Houses, the Budget Bill shall be presented to the Governor  
34 for approval or disapproval according to Section 17 of Article II of this Constitution.

35           (6b) In enacting a balanced Budget Bill as required under this Section for fiscal  
36 year 2024 and each fiscal year thereafter, the General Assembly may amend the bill by  
37 increasing, diminishing, or adding items therein relating to the General Assembly, by  
38 increasing, diminishing, or adding items therein relating to the judiciary, and by  
39 increasing, diminishing, or adding items therein relating to the Executive Department,  
40 provided that the total of the appropriation for the Executive Department approved by the  
41 General Assembly does not exceed the total proposed appropriation for the Executive  
42 Department submitted by the Governor. The salary or compensation of any public officer

1 may not be decreased during the public officer's term of office. When passed by both Houses,  
2 the Budget Bill shall be a law immediately without further action by the Governor.

3 (7) The Governor and such representatives of the executive departments, boards,  
4 officers and commissions of the State expending or applying for State's moneys, as have  
5 been designated by the Governor for this purpose, shall have the right, and when requested  
6 by either House of the General Assembly, it shall be their duty to appear and be heard with  
7 respect to any Budget Bill during the consideration thereof, and to answer inquiries relative  
8 thereto.

9 (8) Supplementary Appropriation Bill. Either House may consider other  
10 appropriations but both Houses shall not finally act upon such appropriations until after  
11 the Budget Bill has been finally acted upon by both Houses, and no such other  
12 appropriation shall be valid except in accordance with the provisions following: (a) Every  
13 such appropriation shall be embodied in a separate bill limited to some single work, object  
14 or purpose therein stated and called herein a Supplementary Appropriation Bill; (b) Each  
15 Supplementary Appropriation Bill shall provide the revenue necessary to pay the  
16 appropriation thereby made by a tax, direct or indirect, to be levied and collected as shall  
17 be directed in said bill; (c) No Supplementary Appropriation Bill shall become a law unless  
18 it be passed in each House by a vote of a majority of the whole number of the members  
19 elected, and the yeas and nays recorded on its final passage; (d) Each Supplementary  
20 Appropriation Bill shall be presented to the Governor of the State as provided in Section  
21 17 of Article 2 of the Constitution and thereafter all the provisions of said section shall  
22 apply.

23 (9) Nothing in this section shall be construed as preventing the General Assembly  
24 from passing at any time, in accordance with the provisions of Section 28 of Article 3 of the  
25 Constitution and subject to the Governor's power of approval as provided in Section 17 of  
26 Article 2 of the Constitution, an appropriation bill to provide for the payment of any  
27 obligation of the State within the protection of Section 10 of Article 1 of the Constitution of  
28 the United States.

29 (10) If the Budget Bill shall not have been finally acted upon by the Legislature  
30 seven days before the expiration of the regular session, the Governor shall issue a  
31 proclamation extending the session for some further period as may, in [his] **THE**  
32 **GOVERNOR'S** judgment, be necessary for the passage of such bill; but no matter other than  
33 such bill shall be considered during such extended session except a provision for the cost  
34 thereof.

35 (11) For the purpose of making up the Budget, the Governor shall require from the  
36 proper State officials (including all executive departments, all executive and administrative  
37 offices, bureaus, boards, commissions and agencies that expend or supervise the  
38 expenditure of, and all institutions applying, for State moneys and appropriations) such  
39 itemized estimates and other information, in such form and at such times as directed by  
40 the Governor. An estimate for a program required to be funded by a law which will be in  
41 effect during the fiscal year covered by the Budget and which was enacted before July 1 of  
42 the fiscal year prior to that date shall provide a level of funding not less than that prescribed

1 in the law. The estimates for the Legislative Department, certified by the presiding officer  
 2 of each House, of the Judiciary, as provided by law, certified by the [Chief Judge] **CHIEF**  
 3 **JUSTICE** of the [Court of Appeals] **SUPREME COURT OF MARYLAND**, and for the public  
 4 schools, as provided by law, shall be transmitted to the Governor, in such form and at such  
 5 times as directed by the Governor, and shall be included in the Budget without revision.

6 (12) The Governor may provide for public hearings on all estimates and may  
 7 require the attendance at such hearings of representatives of all agencies, and for all  
 8 institutions applying for State moneys. After such public hearings [he] **THE GOVERNOR**  
 9 may, in [his] **THE GOVERNOR'S** discretion, revise all estimates except those for the  
 10 legislative and judiciary departments, and for the public schools, as provided by law, and  
 11 except that [he] **THE GOVERNOR** may not reduce an estimate for a program below a level  
 12 of funding prescribed by a law which will be in effect during the fiscal year covered by the  
 13 Budget, and which was enacted before July 1 of the fiscal year prior thereto.

14 (13) The General Assembly may, from time to time, enact such laws not  
 15 inconsistent with this section, as may be necessary and proper to carry out its provisions.

16 (14) In the event of any inconsistency between any of the provisions of this Section  
 17 and any of the other provisions of the Constitution, the provisions of this Section shall  
 18 prevail. But nothing herein shall in any manner affect the provisions of Section 34 of Article  
 19 3 of the Constitution or of any laws heretofore or hereafter passed in pursuance thereof, or  
 20 be construed as preventing the Governor from calling extraordinary sessions of the General  
 21 Assembly, as provided by Section 16 of Article 2, or as preventing the General Assembly at  
 22 such [ertraordinary] **EXTRAORDINARY** sessions from considering any emergency  
 23 appropriation or appropriations.

24 (15) If any item of any appropriation bill passed under the provisions of this  
 25 Section shall be held invalid upon any ground, such invalidity shall not affect the legality  
 26 of the bill or of any other item of such bill or bills.

#### 27 **Article IV – Judiciary Department**

28 1.

29 The Judicial power of this State is vested in a [Court of Appeals] **SUPREME COURT**  
 30 **OF MARYLAND**, such intermediate courts of appeal as the General Assembly may create  
 31 by law, Circuit Courts, Orphans' Courts, and a District Court. These Courts shall be Courts  
 32 of Record, and each shall have a seal to be used in the authentication of all process issuing  
 33 from it.

34 3.

35 Except for the Judges of the District Court, the Judges of the several Courts other  
 36 than the [Court of Appeals] **SUPREME COURT OF MARYLAND** or any intermediate courts  
 37 of appeal shall, subject to the provisions of Section 5 of this Article of the Constitution, be



1 elected in Baltimore City and in each county, by the qualified voters of the city and of each  
2 county, respectively, all of the said Judges to be elected at the general election to be held  
3 on the Tuesday after the first Monday in November, as now provided for in the Constitution.  
4 Each of the said Judges shall hold [his] **THE** office for the term of fifteen years from the  
5 time of [his] **THE** election, and until [his] **THE JUDGE'S** successor is elected and qualified,  
6 or until [he] **THE JUDGE** shall have attained the age of seventy years, whichever may first  
7 happen, and be reeligible thereto until [he] **THE JUDGE** shall have attained the age of  
8 seventy years, and not after. In case of the inability of any of said Judges to discharge [his]  
9 **THE JUDGE'S** duties with efficiency, by reason of continued sickness, or of physical or  
10 mental infirmity, it shall be in the power of the General Assembly, two-thirds of the  
11 members of each House concurring, with the approval of the Governor to retire said Judge  
12 from office.

13 3A.

14 (a) (1) Except as provided in paragraph (2) of this subsection, any former  
15 judge, except a former judge of the Orphans' Court, may be assigned by the [Chief Judge]  
16 **CHIEF JUSTICE** of the [Court of Appeals] **SUPREME COURT OF MARYLAND**, upon  
17 approval of a majority of the court, to sit temporarily in any court of this State, except an  
18 Orphans' Court, as provided by law.

19 (2) (i) A retired judge of the Circuit Court for Montgomery County that  
20 sits as the Orphans' Court for Montgomery County may be assigned by the [Chief Judge]  
21 **CHIEF JUSTICE** of the [Court of Appeals] **SUPREME COURT OF MARYLAND**, upon  
22 approval of a majority of the [Court of Appeals] **SUPREME COURT OF MARYLAND**, to do  
23 an act that a judge of the Orphans' Court for Montgomery County is authorized to perform.

24 (ii) A retired judge of the Circuit Court for Harford County that sits  
25 as the Orphans' Court for Harford County may be assigned by the [Chief Judge] **CHIEF**  
26 **JUSTICE** of the [Court of Appeals] **SUPREME COURT OF MARYLAND**, upon approval of  
27 a majority of the [Court of Appeals] **SUPREME COURT OF MARYLAND**, to do an act that  
28 a judge of the Orphans' Court for Harford County is authorized to perform.

29 (b) The provisions of this section apply, notwithstanding provisions appearing  
30 elsewhere in this Article pertaining to retirement of judges upon attaining age 70.

31 4B.

32 (a) (1) The Commission on Judicial Disabilities has the power to:

33 (i) Investigate complaints against any **JUSTICE OR** judge of the  
34 [Court of Appeals] **SUPREME COURT OF MARYLAND**, any intermediate courts of appeal,  
35 the circuit courts, the District Court of Maryland, or the orphans' court; and

36 (ii) Conduct hearings concerning such complaints, administer oaths  
37 and affirmations, issue process to compel the attendance of witnesses and the production

1 of evidence, and require persons to testify and produce evidence by granting them immunity  
2 from prosecution or from penalty or forfeiture.

3 (2) The Commission has the power to issue a reprimand and the power to  
4 recommend to the [Court of Appeals] **SUPREME COURT OF MARYLAND** the removal,  
5 censure, or other appropriate disciplining of a **JUSTICE OR** judge or, in an appropriate case,  
6 retirement.

7 (3) All proceedings, testimony, and evidence before the Commission shall  
8 be confidential and privileged, except as provided by rule of the [Court of Appeals]  
9 **SUPREME COURT OF MARYLAND**; the record and any proceeding filed with the [Court of  
10 Appeals] **SUPREME COURT OF MARYLAND** shall lose its confidential character, except  
11 as ordered by the [Court of Appeals] **SUPREME COURT OF MARYLAND**.

12 (4) No **JUSTICE OR** judge shall participate as a member of the Commission  
13 in any proceedings involving that **JUSTICE'S OR** judge's own conduct, and the Governor  
14 shall appoint another **JUSTICE OR** judge as a substitute member of the Commission for  
15 those proceedings.

16 (5) The [Court of Appeals] **SUPREME COURT OF MARYLAND** shall  
17 prescribe by rule the means to implement and enforce the powers of the Commission and  
18 the practice and procedure before the Commission.

19 (b) (1) Upon any recommendation of the Commission, the [Court of Appeals]  
20 **SUPREME COURT OF MARYLAND**, after a hearing and upon a finding of misconduct while  
21 in office, or of persistent failure to perform the duties of the office, or of conduct prejudicial  
22 to the proper administration of justice, may remove the **JUSTICE OR** judge from office or  
23 may censure or otherwise discipline the **JUSTICE OR** judge, or the [Court of Appeals]  
24 **SUPREME COURT OF MARYLAND**, after hearing and upon a finding of disability which is  
25 or is likely to become permanent and which seriously interferes with the performance of  
26 the **JUSTICE'S OR** judge's duties, may retire the **JUSTICE OR** judge from office.

27 (2) A **JUSTICE OR** judge removed under this section, and the **JUSTICE'S**  
28 **OR** judge's surviving spouse, shall have the rights and privileges accruing from the  
29 **JUSTICE'S OR** judge's judicial service only to the extent prescribed by the order of removal.

30 (3) A **JUSTICE OR** judge retired under this section shall have the rights  
31 and privileges prescribed by law for other retired **JUSTICES OR** judges.

32 (4) No [judge] **JUSTICE** of the [Court of Appeals] **SUPREME COURT OF**  
33 **MARYLAND** shall sit in judgment in any hearing involving that [judge's] **JUSTICE'S** own  
34 conduct.

35 (c) This section is alternative to, and cumulative with, the methods of retirement  
36 and removal provided in Sections 3 and 4 of this Article, and in Section 26 of Article III of

1 this Constitution.

2 5A.

3 (a) A vacancy in the office of a **JUSTICE OR** judge of an appellate court, whether  
4 occasioned by the death, resignation, removal, retirement, disqualification by reason of age,  
5 or rejection by the voters of an incumbent, the creation of the office of a **JUSTICE OR** judge,  
6 or otherwise, shall be filled as provided in this section.

7 (b) Upon the occurrence of a vacancy the Governor shall appoint, by and with the  
8 advice and consent of the Senate, a person duly qualified to fill said office who shall hold  
9 the same until the election for continuance in office as provided in subsections (c) and (d).

10 (c) The continuance in office of a [judge] **JUSTICE** of the [Court of Appeals]  
11 **SUPREME COURT OF MARYLAND** is subject to approval or rejection by the registered  
12 voters of the appellate judicial circuit from which [he] **THE JUSTICE** was appointed at the  
13 next general election following the expiration of one year from the date of the occurrence of  
14 the vacancy which [he] **THE JUSTICE** was appointed to fill, and at the general election next  
15 occurring every ten years thereafter.

16 (d) The continuance in office of a judge of the [Court of Special Appeals]  
17 **APPELLATE COURT OF MARYLAND** is subject to approval or rejection by the registered  
18 voters of the geographical area prescribed by law at the next general election following the  
19 expiration of one year from the date of the occurrence of the vacancy which [he] **THE JUDGE**  
20 was appointed to fill, and at the general election next occurring every ten years thereafter.

21 (e) The approval or rejection by the registered voters of a **JUSTICE OR** judge as  
22 provided for in subsections (c) and (d) shall be a vote for the **JUSTICE'S OR** judge's retention  
23 in office for a term of ten years or [his] **THE JUSTICE'S OR JUDGE'S** removal. The  
24 **JUSTICE'S OR** judge's name shall be on the appropriate ballot, without opposition, and the  
25 voters shall vote yes or no for [his] **THE JUSTICE'S OR JUDGE'S** retention in office. If the  
26 voters reject the retention in office of a **JUSTICE OR** judge, or if the vote is tied, the office  
27 becomes vacant ten days after certification of the election returns.

28 (f) An appellate court **JUSTICE OR** judge shall retire when [he] **THE JUSTICE**  
29 **OR JUDGE** attains [his] **THE JUSTICE'S OR JUDGE'S** seventieth birthday.

30 (g) A member of the General Assembly who is otherwise qualified for  
31 appointment to judicial office is not disqualified by reason of [his] **THE MEMBER'S**  
32 membership in a General Assembly which proposed or enacted any constitutional  
33 amendment or statute affecting the method of selection[. Continuance], **CONTINUANCE** in  
34 office, or retirement or removal of a **JUSTICE OR** judge, the creation or abolition of a court,  
35 an increase or decrease in the number of **JUSTICES OR** judges of any court, or an increase  
36 or decrease in the salary, pension or other allowances of any **JUSTICE OR** judge.

1 10.

2 (a) (1) The Clerks of the Courts shall have charge and custody of records and  
3 other papers and shall perform all the duties which appertain to their offices, as are  
4 regulated by Law.

5 (2) The office and business of the Clerks, in all their departments, shall be  
6 subject to and governed in accordance with rules adopted by the [Court of Appeals]  
7 **SUPREME COURT OF MARYLAND** pursuant to Section 18 of this article.

8 (b) The offices of the Clerks shall be funded through the State budget. All fees,  
9 commissions, or other revenues established by Law for these offices shall be State revenues,  
10 unless provided otherwise by the General Assembly.

11 14.

12 The [Court of Appeals] **SUPREME COURT OF MARYLAND** shall be composed of  
13 seven [judges] **JUSTICES**, one from the First Appellate Judicial Circuit consisting of  
14 Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and  
15 Worcester Counties; one from the Second Appellate Judicial Circuit consisting of Baltimore  
16 and Harford Counties; one from the Third Appellate Judicial Circuit, consisting of  
17 Allegany, Carroll, Frederick, Garrett, Howard, and Washington Counties; one from the  
18 Fourth Appellate Judicial Circuit, consisting of Prince George's County; one from the Fifth  
19 Appellate Judicial Circuit, consisting of Anne Arundel, Calvert, Charles, and St. Mary's  
20 Counties; one from the Sixth Appellate Judicial Circuit, consisting of Baltimore City; and  
21 one from the Seventh Appellate Judicial Circuit, consisting of Montgomery County. The  
22 [Judges] **JUSTICES** of the [Court of Appeals] **SUPREME COURT OF MARYLAND** shall be  
23 residents of their respective Appellate Judicial Circuits. The term of each [Judge] **JUSTICE**  
24 of the [Court of Appeals] **SUPREME COURT OF MARYLAND** shall begin on the date of  
25 [his] **THE JUSTICE'S** qualification. One of the [Judges] **JUSTICES** of the [Court of  
26 Appeals] **SUPREME COURT OF MARYLAND** shall be designated by the Governor as the  
27 [Chief Judge] **CHIEF JUSTICE**. The jurisdiction of the [Court of Appeals] **SUPREME**  
28 **COURT OF MARYLAND** shall be co-extensive with the limits of the State and such as now  
29 is or may hereafter be prescribed by law. It shall hold its sessions in the City of Annapolis  
30 at such time or times as it shall from time to time by rule prescribe. Its session or sessions  
31 shall continue not less than ten months in each year, if the business before it shall so  
32 require, and it shall be competent for the [judges] **JUSTICES** temporarily to transfer their  
33 sittings elsewhere upon sufficient cause. The salary of each [Judge] **JUSTICE** of the [Court  
34 of Appeals] **SUPREME COURT OF MARYLAND** shall be that now or hereafter prescribed  
35 by the General Assembly and shall not be diminished during [his] **THE JUSTICE'S**  
36 continuance in office. Five of the [judges] **JUSTICES** shall constitute a quorum, and five  
37 [judges] **JUSTICES** shall sit in each case unless the [Court] **SUPREME COURT OF**  
38 **MARYLAND** shall direct that an additional [judge or judges] **JUSTICE OR JUSTICES** sit  
39 for any case. The concurrence of a majority of those sitting shall be sufficient for the decision  
40 of any cause, and an equal division of those sitting in a case has the effect of affirming the

1 decision appealed from if there is no application for reargument as hereinafter provided. In  
2 any case where there is an equal division or a three to two division of the [Court] **SUPREME**  
3 **COURT OF MARYLAND** a reargument before the full Court of seven [judges] **JUSTICES**  
4 shall be granted to the losing party upon application as a matter of right.

5 15.

6 Any [judge] **JUSTICE** of the [Court of Appeals] **SUPREME COURT OF MARYLAND**  
7 or of an intermediate court of appeal who heard the cause below either as a trial judge or  
8 as a judge of any intermediate court of appeal as the case may be shall not participate in  
9 the decision. In every case an opinion, in writing, shall be filed within three months after  
10 the argument, or submission of the cause; and the judgment of the [Court of Appeals]  
11 **SUPREME COURT OF MARYLAND** shall be final and conclusive.

12 16.

13 Provision shall be made by Law for publishing Reports of all causes, argued and  
14 determined in the [Court of Appeals] **SUPREME COURT OF MARYLAND** and in the  
15 intermediate courts of appeal, which the **JUSTICES OR** judges thereof, respectively, shall  
16 designate as proper for publication.

17 17.

18 There shall be a Clerk of the [Court of Appeals] **SUPREME COURT OF MARYLAND**,  
19 who shall be appointed by and shall hold [his] **THE** office at the pleasure of said [Court of  
20 Appeals] **SUPREME COURT OF MARYLAND**.

21 18.

22 (a) The [Court of Appeals] **SUPREME COURT OF MARYLAND** from time to time  
23 shall adopt rules and regulations concerning the practice and procedure in and the  
24 administration of the appellate courts and in the other courts of this State, which shall  
25 have the force of law until rescinded, changed or modified by the [Court of Appeals]  
26 **SUPREME COURT OF MARYLAND** or otherwise by law. The power of courts other than  
27 the [Court of Appeals] **SUPREME COURT OF MARYLAND** to make rules of practice and  
28 procedure, or administrative rules, shall be subject to the rules and regulations adopted by  
29 the [Court of Appeals] **SUPREME COURT OF MARYLAND** or otherwise by law.

30 (b) (1) The [Chief Judge] **CHIEF JUSTICE** of the [Court of Appeals]  
31 **SUPREME COURT OF MARYLAND** shall be the administrative head of the Judicial system  
32 of the State. The [Chief Judge] **CHIEF JUSTICE** of the [Court of Appeals] **SUPREME**  
33 **COURT OF MARYLAND** shall from time to time require, from each of the judges of the  
34 Circuit Courts, of the District Court and of any intermediate courts of appeal, reports as to  
35 the judicial work and business of each of the judges and their respective courts.

1           (2) Subject to paragraphs (3) and (4) of this subsection, the [Chief Judge]  
2 **CHIEF JUSTICE** of the [Court of Appeals] **SUPREME COURT OF MARYLAND** may, in  
3 case of a vacancy, or of the illness, disqualification or other absence of a **JUSTICE OR** judge  
4 or for the purpose of relieving an accumulation of business in any court assign any **JUSTICE**  
5 **OR** judge except a judge of the Orphans' Court to sit temporarily in any court except an  
6 Orphans' Court.

7           (3) A retired judge of the Circuit Court for Montgomery County that sits as  
8 the Orphans' Court for Montgomery County may be assigned by the [Chief Judge] **CHIEF**  
9 **JUSTICE** of the [Court of Appeals] **SUPREME COURT OF MARYLAND**, upon approval of  
10 a majority of the [Court of Appeals] **SUPREME COURT OF MARYLAND**, to do an act that  
11 a judge of the Orphans' Court for Montgomery County is authorized to perform.

12           (4) A retired judge of the Circuit Court for Harford County that sits as the  
13 Orphans' Court for Harford County may be assigned by the [Chief Judge] **CHIEF JUSTICE**  
14 of the [Court of Appeals] **SUPREME COURT OF MARYLAND**, upon approval of a majority  
15 of the [Court of Appeals] **SUPREME COURT OF MARYLAND**, to do an act that a judge of  
16 the Orphans' Court for Harford County is authorized to perform.

17           (5) Any **JUSTICE OR** judge assigned by the [Chief Judge] **CHIEF JUSTICE**  
18 of the [Court of Appeals] **SUPREME COURT OF MARYLAND** pursuant to this section has  
19 all the power and authority pertaining to a **JUSTICE OR** judge of the court to which the  
20 **JUSTICE OR** judge is so assigned; and the **JUSTICE'S OR** judge's power and authority shall  
21 continue with respect to all cases (including any motion, or other matters incidental  
22 thereto) which may come before the **JUSTICE OR** judge by virtue of such assignment until  
23 the **JUSTICE'S OR** judge's action thereon shall be completed. In the absence of the [Chief  
24 Judge] **CHIEF JUSTICE** of the [Court of Appeals] **SUPREME COURT OF MARYLAND**, the  
25 provisions of this section shall be applicable to the senior [judge] **JUSTICE** present in the  
26 [Court of Appeals] **SUPREME COURT OF MARYLAND**. The powers of the [Chief Judge]  
27 **CHIEF JUSTICE** set forth in this section shall be subject to any rule or regulation adopted  
28 by the [Court of Appeals] **SUPREME COURT OF MARYLAND**.

29 22.

30           Where any trial is conducted by less than three Circuit Judges, upon the decision or  
31 determination of any point, or question, by the Court, it shall be competent to the party,  
32 against whom the ruling or decision is made, upon motion, to have the point, or question  
33 reserved for the consideration of three Judges of the Circuit, who shall constitute a court  
34 in banc for such purpose; and the motion for such reservation shall be entered of record,  
35 during the sitting at which such decision may be made; and the procedure for appeals to  
36 the Circuit Court in banc shall be as provided by the Maryland Rules. The decision of the  
37 said Court in banc shall be the effective decision in the premises, and conclusive, as against  
38 the party at whose motion said points, or questions were reserved; but such decision in banc  
39 shall not preclude the right of Appeal by an adverse party who did not seek in banc review,  
40 in those cases, civil or criminal, in which appeal to the [Court of Special Appeals]

1 **APPELLATE COURT OF MARYLAND** may be allowed by Law. The right of having  
2 questions reserved shall not, however, apply to trials of Appeals from judgments of the  
3 District Court, nor to criminal cases below the grade of felony, except when the punishment  
4 is confinement in the Penitentiary; and this Section shall be subject to such provisions as  
5 may hereafter be made by Law.

6 41E.

7 The [Chief Judge] **CHIEF JUSTICE** of the [Court of Appeals] **SUPREME COURT OF**  
8 **MARYLAND** shall designate one judge of the District Court as Chief Judge of that Court,  
9 to serve as Chief Judge at [his] **THE CHIEF JUSTICE OF THE SUPREME COURT OF**  
10 **MARYLAND'S** pleasure. The Chief Judge of the District Court may assign administrative  
11 duties to other judges of the District Court and shall perform such other duties in the  
12 administration of the District Court as may be prescribed by rule or by law.

### 13 **Article V – Attorney–General and State’s Attorneys**

14 6.

15 It shall be the duty of the Clerk of the [Court of Appeals] **SUPREME COURT OF**  
16 **MARYLAND** and the Clerks of any intermediate courts of appeal, respectively, whenever a  
17 case shall be brought into said Courts, in which the State is a party or has interest,  
18 immediately to notify the Attorney General thereof.

### 19 **Article XVII – Quadrennial Elections**

20 3.

21 All State and county officers elected by qualified voters (except judges of the Circuit  
22 Courts, [judges of the Supreme Bench of Baltimore City, judges of the Court of Appeals]  
23 **JUSTICES OF THE SUPREME COURT OF MARYLAND** and judges of any intermediate  
24 courts of appeal) shall hold office for terms of four years, and until their successors shall  
25 qualify.

26 **SECTION 2. AND BE IT FURTHER ENACTED,** That, as provided in this Act:

27 (a) The Supreme Court of Maryland is the successor to the Court of Appeals.

28 (b) The Appellate Court of Maryland is the successor to the Court of Special  
29 Appeals.

30 (c) A Justice of the Supreme Court of Maryland is the successor to a Judge of the  
31 Court of Appeals.

32 (d) The Chief Justice of the Supreme Court of Maryland is the successor to the  
33 Chief Judge of the Court of Appeals.

1 (e) The Chief Judge of the Appellate Court of Maryland is the successor to the  
2 Chief Judge of the Court of Special Appeals.

3 (f) A Judge of the Appellate Court of Maryland is the successor to a Judge of the  
4 Court of Special Appeals.

5 (g) The Clerk of the Supreme Court of Maryland is the successor to the Clerk of  
6 the Court of Appeals.

7 (h) The Clerk of the Appellate Court of Maryland is the successor to the Clerk of  
8 the Court of Special Appeals.

9 (i) In every law, executive order, rule, regulation, policy, or document created by  
10 an official, an employee, or a unit of this State, the names and titles of those units and  
11 officials mean the names and titles of the successor unit or official.

12 SECTION 3. AND BE IT FURTHER ENACTED, That nothing in this Act affects the  
13 term of office of an appointed or elected member of any commission, office, department,  
14 agency, or other unit. An individual who is a member of a unit on the effective date of this  
15 Act shall remain a member for the balance of the term to which appointed or elected unless  
16 the member sooner dies, resigns, or is removed under provisions of law.

17 SECTION 4. AND BE IT FURTHER ENACTED, That any transaction or  
18 employment status affected by or flowing from any change of nomenclature or any statute  
19 amended by this Act and validly entered into or existing before the effective date of this Act  
20 and every right, duty, or interest flowing from a statute amended by this Act remains valid  
21 after the effective date of this Act and may be terminated, completed, consummated, or  
22 enforced as required or allowed by any statute amended by this Act as though the  
23 amendment had not occurred. If a change in nomenclature involves a change in name or  
24 designation of any State unit, the successor unit shall be considered in all respects as  
25 having the powers and obligations granted the former unit.

26 SECTION 5. AND BE IT FURTHER ENACTED, That:

27 (1) the continuity of every commission, office, department, agency, or other  
28 unit is retained; and

29 (2) the personnel, records, files, furniture, fixtures, and other properties  
30 and all appropriations, credits, assets, liabilities, and obligations of each retained unit are  
31 continued as the personnel, records, files, furniture, fixtures, properties, appropriations,  
32 credits, assets, liabilities, and obligations of the unit under the laws enacted by this Act.

33 SECTION 6. AND BE IT FURTHER ENACTED, That letterhead, business cards,  
34 and other documents reflecting the renaming of the Court of Appeals to be the Supreme  
35 Court of Maryland, the renaming of the Court of Special Appeals to be the Appellate Court  
36 of Maryland, the renaming of a Judge of the Court of Appeals to be a Justice of the Supreme



1 Court of Maryland, or the renaming of the Chief Judge of the Court of Appeals to be the  
2 Chief Justice of the Supreme Court of Maryland may not be used until all letterhead,  
3 business cards, and other documents already in print and reflecting the name of the Court  
4 of Appeals, the Court of Special Appeals, a Judge of the Court of Appeals, or the Chief Judge  
5 of the Court of Appeals before the effective date of this Act have been used.

6 SECTION 7. AND BE IT FURTHER ENACTED, That the publisher of the  
7 Annotated Code of Maryland, in consultation with and subject to the approval of the  
8 Department of Legislative Services, shall correct, with no further action required by the  
9 General Assembly, cross-references and terminology rendered incorrect by this Act. The  
10 publisher shall adequately describe any correction that is made in an editor's note following  
11 the section affected.

12 SECTION 8. AND BE IT FURTHER ENACTED, That the General Assembly  
13 determines that the amendment to the Maryland Constitution proposed by Section 1 of this  
14 Act affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the Maryland  
15 Constitution concerning local approval of constitutional amendments do not apply.

16 SECTION 9. AND BE IT FURTHER ENACTED, That the amendment to the  
17 Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified  
18 voters of the State at the next general election to be held in November 2022 for adoption or  
19 rejection pursuant to Article XIV of the Maryland Constitution. At that general election,  
20 the vote on the proposed amendment to the Constitution shall be by ballot, and on each  
21 ballot there shall be printed the words "For the Constitutional Amendment" and "Against  
22 the Constitutional Amendment", as now provided by law. Immediately after the election,  
23 all returns shall be made to the Governor of the vote for and against the proposed  
24 amendment, as directed by Article XIV of the Maryland Constitution, and further  
25 proceedings had in accordance with Article XIV.