

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 885
Judiciary

(Delegate R. Watson)

Judicial Proceedings

Courts of Appeals and Special Appeals – Renaming

This proposed constitutional amendment renames the Court of Appeals as the Supreme Court of Maryland and renames the Court of Special Appeals as the Appellate Court of Maryland. It renames the Chief Judge of the Court of Appeals as the Chief Justice of the Supreme Court of Maryland and makes other conforming changes.

Fiscal Summary

State Effect: Any potential costs to the Judiciary associated with the bill’s changes are assumed to be minimal and absorbable within existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The Supreme Court of Maryland is the successor to the Court of Appeals, and the Appellate Court of Maryland is the successor to the Court of Special Appeals. A Justice of the Supreme Court of Maryland is the successor to a Judge of the Court of Appeals, and the Chief Justice of the Supreme Court of Maryland is the successor to the Chief Judge of the Court of Appeals. A Judge of the Appellate Court of Maryland is the successor to a Judge of the Court of Special Appeals, and the Chief Judge of the Appellate Court of Maryland is the successor to the Chief Judge of the Court of Special Appeals. The Clerk of the Supreme Court of Maryland is the successor to the Clerk of the Court of Appeals, and the Clerk of the Appellate Court of Maryland is the successor to the Clerk of the Court of Special Appeals. Previous names and titles have the same meaning as the new

names and titles in all laws, executive orders, rules, regulations, policies, or documents created by a State official, employee, or unit.

The proposed amendment does not affect (1) the terms of office of members of any commission, office, department, agency, or other unit; (2) the status of any transaction or employment entered into or existing before the bill's effective date; (3) any right, duty, or interest flowing from a statute amended by the bill; or (4) the continuity of any commission, office, department, agency, or other unit and related matters.

Letterhead, business cards, and other documents bearing the new name may not be used until the materials bearing the previous name have been used. The publisher of the Annotated Code of Maryland is required to change cross references and terminology throughout the code and to describe each change in an editor's note.

Current Law: The Maryland Constitution establishes the Court of Appeals as the highest court in the State. Among other powers, the Court of Appeals may review a case decided by the Court of Special Appeals by exercising its discretion in granting a petition for *certiorari* (i.e., on review) or electing to transfer a case filed in, but not already decided by, the Court of Special Appeals. The court has exclusive jurisdiction over cases involving legislative redistricting and also decides questions of law certified by federal or other states' appellate courts. In addition to adjudicating cases, the court adopts rules to govern practice, procedure, and judicial administration. There are seven judges on the Court of Appeals; the Governor designates the Chief Judge of the Court of Appeals, who is the administrative head of Maryland's judicial system.

The Court of Special Appeals is established by statute, pursuant to constitutional authorization, as an intermediate appeals court with statewide jurisdiction. It hears almost all initial appeals from circuit courts and orphans' courts. In addition, it considers applications to review various matters including post-conviction petitions, *habeas corpus* matters concerning denial of or excessive bail, inmate grievances, appeals from criminal guilty pleas, and probation violations. There are 15 judges on the Court of Special Appeals.

Additional Information

Prior Introductions: HB 474 of 2020, a similar bill, received a hearing in the House Judiciary Committee, but no further action was taken. Its cross file, SB 393, passed the Senate as amended and was referred to the House Judiciary Committee, but no further action was taken. HB 1329 of 2019, a similar bill, received a hearing in the House Judiciary Committee, but no further action was taken. Its cross file, SB 595, received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken.

Designated Cross File: SB 666 (Senator Peters) - Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - February 21, 2021
rh/jkb Third Reader - March 22, 2021

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