

HOUSE BILL 821

D1

CONSTITUTIONAL AMENDMENT

6lr2509
CF SB 541

By: **Chair, Judiciary Committee (By Request – Maryland Judicial Conference)**

Introduced and read first time: February 4, 2026

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Judiciary Department – Judicial Removal – Disqualification From Future**
3 **Judicial Office**

4 FOR the purpose of providing that a justice or judge removed or retired from office on
5 recommendation of the Commission on Judicial Disabilities is not eligible for future
6 judicial office.

7 BY proposing an amendment to the Maryland Constitution
8 Article IV – Judiciary Department
9 Section 4B

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

13 **Article IV – Judiciary Department**

14 4B.

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

16 (i) Investigate complaints against any justice or judge of the
17 Supreme Court of Maryland, any intermediate courts of appeal, the circuit courts, the
18 District Court of Maryland, or the orphans' court; and

19 (ii) Conduct hearings concerning such complaints, administer oaths
20 and affirmations, issue process to compel the attendance of witnesses and the production
21 of evidence, and require persons to testify and produce evidence by granting them immunity
22 from prosecution or from penalty or forfeiture.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2) The Commission has the power to issue a reprimand and the power to recommend to the Supreme Court of Maryland the removal, censure, or other appropriate disciplining of a justice or judge or, in an appropriate case, retirement.

(3) All proceedings, testimony, and evidence before the Commission shall be confidential and privileged, except as provided by rule of the Supreme Court of Maryland; the record and any proceeding filed with the Supreme Court of Maryland shall lose its confidential character, except as ordered by the Supreme Court of Maryland.

(4) No justice or judge shall participate as a member of the Commission in any proceedings involving that justice's or judge's own conduct, and the Governor shall appoint another justice or judge as a substitute member of the Commission for those proceedings.

(5) The Supreme Court of Maryland shall prescribe by rule the means to implement and enforce the powers of the Commission and the practice and procedure before the Commission.

(b) (1) Upon any recommendation of the Commission, the Supreme Court of Maryland, after a hearing and upon a finding of misconduct while in office, or of persistent failure to perform the duties of the office, or of conduct prejudicial to the proper administration of justice, may remove the justice or judge from office or may censure or otherwise discipline the justice or judge, or the Supreme Court of Maryland, after hearing and upon a finding of disability which is or is likely to become permanent and which seriously interferes with the performance of the justice's or judge's duties, may retire the justice or judge from office.

(2) A justice or judge removed under this section, and the justice's or judge's surviving spouse, shall have the rights and privileges accruing from the justice's or judge's judicial service only to the extent prescribed by the order of removal.

(3) A justice or judge retired under this section shall have the rights and privileges prescribed by law for other retired justices or judges.

(4) **A JUSTICE OR JUDGE REMOVED OR RETIRED UNDER THIS SECTION IS NOT ELIGIBLE FOR FUTURE JUDICIAL OFFICE.**

(5) No justice of the Supreme Court of Maryland shall sit in judgment in any hearing involving that justice's own conduct.

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

SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly determines that the amendment to the Maryland Constitution proposed by Section 1 of this

1 Act affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the Maryland
2 Constitution concerning local approval of constitutional amendments do not apply.

3 SECTION 3. AND BE IT FURTHER ENACTED, That the amendment to the
4 Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified
5 voters of the State at the next general election to be held in November 2026 for adoption or
6 rejection in accordance with Article XIV of the Maryland Constitution. At that general
7 election, the vote on the proposed amendment to the Constitution shall be by ballot, and on
8 each ballot there shall be printed the words “For the Constitutional Amendment” and
9 “Against the Constitutional Amendment”, as now provided by law. Immediately after the
10 election, all returns shall be made to the Governor of the vote for and against the proposed
11 amendment, as directed by Article XIV of the Maryland Constitution, and further
12 proceedings held in accordance with Article XIV.