

# SENATE BILL 933

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CONSTITUTIONAL AMENDMENT

6lr0674

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By: ~~Chair, Judicial Proceedings Committee~~ Senator Smith

Introduced and read first time: February 6, 2026

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 3, 2026

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Judiciary Department – Commission on Judicial Disabilities – Temporary**  
3 **Appointment**

4 FOR the purpose of withdrawing and repealing a certain proposed Constitutional  
5 amendment relating to temporary appointments to the Commission on Judicial  
6 Disabilities; allowing the chair of the Commission to appoint a former member to  
7 temporarily fill a certain vacancy on the Commission; and allowing the Governor, on  
8 certain request of the chair, to appoint a temporary substitute member or extend the  
9 term of an existing member of the Commission.

10 BY withdrawing, recalling, and repealing

11 Chapters 848 and 849 of the Acts of the General Assembly of 2025

12 BY proposing an amendment to the Maryland Constitution

13 Article IV – Judiciary Department

14 Section 4A and 4B

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
16 (Three-fifths of all the members elected to each of the two Houses concurring), That  
17 Chapters 848 and 849 of the Acts of the General Assembly of 2025 be and they are hereby  
18 withdrawn and recalled for appropriate legislative action.

19 SECTION 2. AND BE IT FURTHER ENACTED, That Chapters 848 and 849 of the  
20 Acts of the General Assembly of 2025 be and they are hereby repealed.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 3. AND BE IT FURTHER ENACTED BY THE GENERAL ASSEMBLY  
2 OF MARYLAND, (Three-fifths of all the members elected to each of the two Houses  
3 concurring), That it be proposed that the Maryland Constitution read as follows:

4 **Article IV – Judiciary Department**

5 4A.

6 (a) There is a Commission on Judicial Disabilities composed of eleven persons  
7 appointed by the Governor of Maryland, by and with the advice and consent of the Senate.

8 (b) The members of the Commission shall be citizens and residents of this State.

9 (c) (1) Three members of the Commission shall be appointed from among the  
10 judges of the State, with one member representing the appellate courts, one member  
11 representing the Circuit Courts, and one member representing the District Court.

12 (2) Three members shall be appointed from among those persons who are  
13 admitted to practice law in the State, who have been so engaged for at least seven years,  
14 and who are not judges of any court.

15 (3) Five members shall represent the public, who may not be active or  
16 retired judges, who are not admitted to practice law in this State, and who may not have a  
17 financial relationship with or receive compensation from a judge or a person admitted to  
18 practice law in this State.

19 (4) The composition of the Commission should reflect the race, gender, and  
20 geographic diversity of the population of the State.

21 (d) **[The] SUBJECT TO THE PROVISIONS OF §4B(A)(5) OF THIS ARTICLE, THE**  
22 term of office of each member is four years commencing on January 1 following the  
23 expiration of the member's predecessor's term. A member may not serve more than two  
24 four-year terms, or for more than a total of ten years if appointed to fill a vacancy.

25 (e) A member's membership automatically terminates:

26 (1) When any member of the Commission appointed from among judges in  
27 the State ceases to be a judge;

28 (2) When any member appointed from among those admitted to practice  
29 law becomes a judge;

30 (3) When any member representing the public becomes a judge or is  
31 admitted to the practice of law in this State or has a financial relationship with or receives  
32 compensation from a judge or a person admitted to practice law in this State; or

33 (4) When any member ceases to be a resident of the State.

1 (f) Any vacancies on the Commission shall be filled for the unexpired term by the  
2 Governor in the same manner as for making of appointments to the Commission and  
3 subject to the same qualifications which were applicable to the person causing the vacancy.

4 (g) A member of the Commission may not receive any compensation for the  
5 member's services as such but shall be allowed any expenses necessarily incurred in the  
6 performance of the member's duties as such member.

7 4B.

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

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

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

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

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

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

27 (5) **(I) IN THE EVENT OF A MEMBER'S RECUSAL OR**  
28 **DISQUALIFICATION OR THE EXPIRATION OF A MEMBER'S TERM WITHOUT A**  
29 **REPLACEMENT, THE COMMISSION CHAIR MAY:**

30 **1. RECALL A FORMER MEMBER TO SERVE AS A**  
31 **TEMPORARY SUBSTITUTE MEMBER; OR**

32 **2. REQUEST THAT THE GOVERNOR APPOINT A**  
33 **TEMPORARY SUBSTITUTE MEMBER OR EXTEND A CURRENT MEMBER'S TERM.**

1                   **(II) ON REQUEST OF THE COMMISSION CHAIR MADE UNDER**  
2 **THIS PARAGRAPH, THE GOVERNOR MAY APPOINT A TEMPORARY SUBSTITUTE**  
3 **MEMBER FOR A SPECIFIED PERIOD OR EXTEND A CURRENT MEMBER'S TERM UNTIL**  
4 **A REPLACEMENT IS APPOINTED.**

5                   **(III) ANY TEMPORARY SUBSTITUTE MEMBER:**

6                   **1. IS SUBJECT TO THE SAME QUALIFICATIONS THAT**  
7 **WERE APPLICABLE TO THE MEMBER FOR WHOM THE SUBSTITUTE IS TEMPORARILY**  
8 **APPOINTED;**

9                   **2. MAY NOT HAVE BEEN REJECTED BY THE SENATE FOR**  
10 **APPOINTMENT TO THE COMMISSION; AND**

11                   **3. IF THE MEMBER IS A JUDGE OR AN ATTORNEY, MUST**  
12 **BE A MEMBER IN GOOD STANDING OF THE MARYLAND BAR.**

13                   **(6)** The Supreme Court of Maryland shall prescribe by rule the means to  
14 implement and enforce the powers of the Commission and the practice and procedure before  
15 the Commission.

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

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

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

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

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

1 SECTION 4. AND BE IT FURTHER ENACTED, That the General Assembly  
2 determines that the amendment to the Maryland Constitution proposed by Section 3 of this  
3 Act affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the Maryland  
4 Constitution concerning local approval of constitutional amendments do not apply.

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.