SB 933

Department of Legislative Services

Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 933 (Chair, Judicial Proceedings Committee)
Judicial Proceedings

Judiciary Department - Commission on Judicial Disabilities - Temporary Appointment

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This bill proposes a constitutional amendment that, if approved by the voters at the next general election, authorizes the chair of the Commission on Judicial Disabilities to take specified actions in the event of a member's recusal or disqualification, or the expiration of a member's term without a replacement. Specifically, the chair may (1) recall a former member to serve as a temporary substitute member or (2) request that the Governor appoint a temporary substitute member or extend a current member's term. On request of the chair of the commission, the Governor may appoint a temporary substitute member for a specified period of time or extend a current member's term until a replacement is appointed. Any temporary substitute member is subject to the same qualifications that were applicable to the member for whom the substitute is temporarily appointed, *may not have been rejected by the Senate for appointment to the commission*, and if the member is a judge or an attorney, must be a member in good standing of the Maryland Bar. The bill also withdraws and repeals Chapters 848 and 849 of 2025, which proposed a similar constitutional amendment, as discussed below.

Fiscal Summary

State Effect: If the constitutional amendment is approved by the voters, the Commission on Judicial Disabilities experiences operational efficiencies; there is otherwise no material impact on State finances or operations.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law:

Commission on Judicial Disabilities – Generally

As authorized under §§ 4A and 4B of Article IV of the Maryland Constitution, the Commission on Judicial Disabilities investigates complaints against judges in the State courts and recommends disciplinary action to the Supreme Court of Maryland, as appropriate.

Membership: The commission is composed of 11 members who are appointed by the Governor, with the advice and consent of the Senate. Of the members, in addition to being residents of the State:

- 3 must be judges, as specified;
- 3 must be appointed from those persons who are admitted to practice law in the State, as specified; and
- 5 must represent the public and not be active or retired judges, not be a person admitted to practice law in the State, and not have a financial relationship with or receive compensation from a judge or a person admitted to practice law in the State.

Terms and Compensation: The term of office of each member is four years beginning on January 1 following the expiration of the member's predecessor's term. A member may not serve more than two four-year terms, or for more than a total of ten years if appointed to fill a vacancy.

Following the expiration of a member's term, other than an automatic termination (disqualification) as specified in the Maryland Constitution, the commission may conduct business in the ordinary course with that member continuing to serve, until such time as the Governor appoints a replacement.

A member of the commission may not receive compensation for the member's services but is entitled to reimbursement for any expenses necessarily incurred in the performance of the member's duties.

Recusal by a Member: Under Maryland Rule 18-411, a member of the commission must not participate as a member in any discussion, disposition, or proceeding in which (1) the member is a complainant; (2) the member's disability, impairment, or sanctionable conduct is in issue; (3) the member's impartiality might reasonably be questioned; (4) the member has personal knowledge of disputed evidentiary facts involved in the proceeding; or (5) the recusal of a judicial member would otherwise be required by the Maryland Code of Judicial Conduct.

Disqualification of a Member: Under the Maryland Constitution, a member's membership automatically terminates, as applicable, if the member (1) who is appointed from among judges in the State ceases to be a judge; (2) who is appointed from among those admitted to the practice of law becomes a judge; (3) who is representing the public becomes a judge or is admitted to the practice of law in the State or has a financial relationship with or receives compensation from a judge or a person admitted to practice law in the State; or (4) ceases to be a resident of the State.

Vacancies: Any vacancies on the commission must be filled for the unexpired term by the Governor in the same manner as for making of appointments to the commission and subject to the same qualifications which were applicable to the person causing the vacancy.

Quorum in a Proceeding: Under Maryland Rule 18-411, a majority of the members of the commission constitute a quorum for the transaction of business, as long as at least one judge, one attorney, and one public member are present. If, by reason of vacancies or recusals, the quorum in a particular proceeding does not include at least one judge, one attorney, and one public member, the Supreme Court of Maryland, only with the written consent of the judge who is the subject of the proceeding, may designate a judge, including a senior judge, an attorney, or a member of the public to serve as a substitute member of the commission, for purposes of a quorum in that proceeding.

Chapters 848 and 849 of 2025

Chapters 848 and 849 (repealed and withdrawn under the bill) proposed a constitutional amendment nearly identical to the one proposed by the bill. However, the Acts did not include the prohibition related to a temporary substitute member's inability to serve if the member was rejected by the Senate for appointment to the commission.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See SB 619 and HB 788 of 2025, which were enacted as Chapters 849 and 848.

Designated Cross File: None.

Information Source(s): Governor's Office; Judiciary (Administrative Office of the Courts); Maryland State Board of Elections; Department of Legislative Services

Fiscal Note History: First Reader - February 25, 2026
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