

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Joseph M. Getty
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 1430
Courts – Special Court Dockets – Weapons Crimes
DATE: March 9, 2022
(3/16)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 1430. House Bill 1430 mandates that the Chief Judge of the Court of Appeals create a special court docket in each circuit court. These special court dockets would exclusively hear and decide cases alleging a violation under Title 4 of the Criminal Law Article or a violation under Title 3 of the Criminal Law Article using a dangerous weapon.

This bill is an imposition upon the powers of the Chief Judge of the Court of Appeals to oversee the administration of the courts of the state. In Article 4 §18 of the Maryland Constitution, it states, “The Chief Judge of the Court of Appeals shall be the administrative head of the Judicial system of the State.” This bill raises separation of power concerns as it impedes the Judiciary’s independence. The power to administer the Judiciary is not an implied or inherent power but is an express constitutional power of the Chief Judge. This is further delineated in Maryland Rules 16-102, which states “The Chief Judge of the Court of Appeals is the administrative head of the Maryland judicial system and has overall responsibility for the administration of the courts of this State.”

Further, under the Maryland Rules, each county administrative judge is given supervisory authority over the administration of case assignments. Maryland Rule 16-302(a) states, “The County Administrative Judge in each county shall supervise the assignment of actions for trial in a manner that maximizes the efficient use of available judicial personnel, brings pending actions to trial, and disposes of them as expeditiously as feasible. Moreover, Rule 16-302(b)(1) states, “the County Administrative Judge is required to develop, and upon approval by the Chief Judge of the Court of Appeals, implement a case management plan for the prompt and efficient scheduling and disposition of actions in the circuit court.” Furthermore, other states “have held that court procedural rules trump legislative acts so long as the rule does not implicate a substantive right.” *State v. Tucker*, 959 N.W.2d 140, 159-160 (Appel, J., concurring).

Implementation of the requirements of this bill could negatively impact the prompt and efficient scheduling and disposition of actions within the circuit courts. The county administrative judge is best suited to determine the needs of the circuit court in which they serve. The number of judges within each circuit court varies by county. Some counties have as many as 35 judges while there are some counties that have only 1 circuit court judge. A smaller county may not receive as many cases with these specific violations as a larger county, thereby making the creation of a specialized docket to hear these matters an inefficient use of the court's time. The scheduling and coordination of cases embodying charges of weapons crimes should be managed by the court based on volume and community need.

Finally, this bill is unnecessary. These cases are currently being heard on criminal dockets and there has not been any demonstration for the need for a special court docket in this area.

cc. Hon. Chanel Branch
Judicial Council
Legislative Committee
Kelley O'Connor