

SENATE BILL 182

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7lr1898

By: **Senators Middleton, Peters, and Miller**

Introduced and read first time: January 18, 2017

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Charles and Prince George's Counties – Recall of Former Judge for Temporary**
3 **Assignment – Eligibility**

4 FOR the purpose of altering the eligibility requirements for recall of a former judge in
5 Charles County and Prince George's County for temporary assignment; and
6 generally relating to the recall of former judges for temporary assignment.

7 BY repealing and reenacting, without amendments,
8 Article – Courts and Judicial Proceedings
9 Section 1–302(a) and (c)
10 Annotated Code of Maryland
11 (2013 Replacement Volume and 2016 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Courts and Judicial Proceedings
14 Section 1–302(b)
15 Annotated Code of Maryland
16 (2013 Replacement Volume and 2016 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
18 That the Laws of Maryland read as follows:

19 **Article – Courts and Judicial Proceedings**

20 1–302.

21 (a) In this section, “former judge” means a judge who previously served in a court.

22 (b) Except as provided in subsection (c) of this section, the Chief Judge of the
23 Court of Appeals may assign any former judge to sit temporarily in any court if the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



temporary assignment is approved by the administrative judge of the circuit in which the former judge is to be assigned and if the former judge:

(1) Has served in the aggregate at least 2 years as a judge, except that:

(i) In Baltimore City and [Charles, Prince George's, and] Harford [counties] COUNTY the former judge shall have served in the aggregate at least 3 years as a judge; and

(ii) In Talbot County, the former judge shall have served in the aggregate at least 1 year as a judge;

(2) Has been approved for assignment by a majority of the judges of the Court of Appeals;

(3) Meets the standards established by this section as well as any additional standards established by rule of the Court of Appeals; and

(4) Has consented to the assignment.

(c) A former judge may not be recalled for temporary assignment if the judge:

(1) Was removed or involuntarily retired from judicial office pursuant to the Constitution or laws of this State;

(2) Voluntarily retired by reason of disability;

(3) Had the most recent service as a judge terminated by reason of defeat for election to judicial office or by rejection of confirmation by the Senate;

(4) Was censured by the Court of Appeals upon recommendation of the Commission on Judicial Disabilities; or

(5) Is engaged in the practice of law.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.