

SENATE BILL 954

D1

CONSTITUTIONAL AMENDMENT

5lr1001

By: **Senators West, James, and Watson**

Introduced and read first time: January 28, 2025

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Circuit Court Judges and District Court Judges – Selection and Tenure**

3 FOR the purpose of altering the means of selection and determination of tenure of circuit
4 court judges; altering the method of filling vacancies in the office of a judge of a
5 circuit court; requiring Senate confirmation of individuals appointed by the Governor
6 to the office of a judge of a circuit court; prohibiting an individual from performing
7 the duties of a judge of a circuit court or of the District Court until confirmed by the
8 Senate; authorizing the Governor to convene a session of the Senate if a vacancy in
9 the office of a judge of a circuit court or of the District Court occurs during the recess
10 of the General Assembly; providing for contested elections following an appointment
11 to fill a vacancy in the office of a judge of a circuit court under certain circumstances;
12 providing for the reappointment of certain judges; and providing for a transitional
13 period during which the terms of certain amendments are to become effective.

14 BY proposing a repeal of the Maryland Constitution
15 Article IV – Judiciary Department
16 Section 3 and 5

17 BY proposing an addition to the Maryland Constitution
18 Article IV – Judiciary Department
19 Section 3

20 BY proposing an amendment to the Maryland Constitution
21 Article IV – Judiciary Department
22 Section 5A and 41D

23 BY proposing an addition to the Maryland Constitution
24 Article XVIII – Provisions of Limited Duration
25 Section 6

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(Three-fifths of all the members elected to each of the two Houses concurring), That it be proposed that the Maryland Constitution read as follows:

Article IV – Judiciary Department

[3.

Except for the Judges of the District Court, the Judges of the several Courts other than the Supreme Court of Maryland or any intermediate courts of appeal shall, subject to the provisions of Section 5 of this Article of the Constitution, be elected in Baltimore City and in each county, by the qualified voters of the city and of each county, respectively, all of the said Judges to be elected at the general election to be held on the Tuesday after the first Monday in November, as now provided for in the Constitution. Each of the said Judges shall hold the office for the term of fifteen years from the time of the election, and until the Judge's successor is elected and qualified, or until the Judge shall have attained the age of seventy years, whichever may first happen, and be reeligible thereto until the Judge shall have attained the age of seventy years, and not after. In case of the inability of any of said Judges to discharge the Judge's duties with efficiency, by reason of continued sickness, or of physical or mental infirmity, it shall be in the power of the General Assembly, two-thirds of the members of each House concurring, with the approval of the Governor to retire said Judge from office.]

3.

(A) ON THE OCCURRENCE OF A VACANCY IN THE OFFICE OF A JUDGE OF A CIRCUIT COURT, WHETHER BY DEATH, RESIGNATION, REMOVAL, RETIREMENT, DISQUALIFICATION BY REASON OF AGE, REJECTION BY THE VOTERS OF AN INCUMBENT, THE CREATION OF THE OFFICE OF A JUDGE, OR OTHERWISE, THE GOVERNOR, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE, SHALL APPOINT AN INDIVIDUAL WHO IS QUALIFIED TO FILL THE OFFICE.

(B) (1) CONFIRMATION BY THE SENATE SHALL BE MADE ON A MAJORITY VOTE OF ALL MEMBERS OF THE SENATE.

(2) AN INDIVIDUAL APPOINTED BY THE GOVERNOR MAY NOT EXERCISE THE DUTIES OF A JUDGE OF A CIRCUIT COURT UNLESS CONFIRMED BY THE SENATE.

(3) IF A VACANCY IN THE OFFICE OF JUDGE OF A CIRCUIT COURT OCCURS DURING THE RECESS OF THE GENERAL ASSEMBLY, THE GOVERNOR MAY CONVENE THE SENATE ALONE FOR THE PURPOSE OF CONFIRMING AN APPOINTMENT.

(C) (1) A CIRCUIT COURT JUDGE APPOINTED BY THE GOVERNOR AND CONFIRMED BY THE SENATE MAY TAKE OFFICE BY TAKING THE PRESCRIBED OATH

1 OF OFFICE WITHIN 30 DAYS AFTER CONFIRMATION.

2 (2) IF A CIRCUIT COURT JUDGE APPOINTED BY THE GOVERNOR AND
3 CONFIRMED BY THE SENATE FAILS TO TAKE OFFICE WITHIN 30 DAYS AFTER
4 CONFIRMATION, THE OFFICE SHALL BE DEEMED VACANT.

5 (D) A CIRCUIT COURT JUDGE APPOINTED BY THE GOVERNOR AND
6 CONFIRMED BY THE SENATE BY A VOTE OF AT LEAST 80% OF ALL MEMBERS OF THE
7 SENATE AND WHO TAKES OFFICE WITHIN 30 DAYS AFTER CONFIRMATION SHALL
8 HOLD THE OFFICE FOR A TERM OF 15 YEARS FROM THE DATE THAT THE JUDGE TOOK
9 OFFICE AND UNTIL THE JUDGE'S SUCCESSOR IS APPOINTED OR ELECTED, AS
10 APPLICABLE, AND QUALIFIED, OR UNTIL THE JUDGE ATTAINS THE AGE OF 70 YEARS,
11 WHICHEVER OCCURS FIRST.

12 (E) (1) IF A CIRCUIT COURT JUDGE WHO WAS CONFIRMED BY THE
13 SENATE BY A VOTE OF AT LEAST A MAJORITY BUT LESS THAN 80% OF ALL MEMBERS
14 OF THE SENATE TAKES OFFICE FOLLOWING CONFIRMATION BY THE SENATE, THE
15 CONTINUANCE IN OFFICE OF THE JUDGE IS SUBJECT TO APPROVAL OR REJECTION
16 BY THE REGISTERED VOTERS OF THE CITY OR COUNTY FROM WHICH THE JUDGE WAS
17 APPOINTED AT THE NEXT GENERAL ELECTION FOLLOWING THE EXPIRATION OF 1
18 YEAR FROM THE DATE THAT THE JUDGE TOOK OFFICE.

19 (2) (I) THE APPROVAL OR REJECTION OF THE JUDGE BY THE
20 REGISTERED VOTERS SHALL BE BY CONTESTED ELECTION IN WHICH OTHER
21 CANDIDATES WHO ARE QUALIFIED FOR THE OFFICE OF CIRCUIT COURT JUDGE MAY
22 FILE AS CANDIDATES.

23 (II) 1. A CANDIDATE IS CONSIDERED QUALIFIED IF THE
24 CANDIDATE HAS APPLIED TO THE APPROPRIATE JUDICIAL NOMINATING
25 COMMISSION AND THE COMMISSION FORWARDS THE NAME OF THE CANDIDATE TO
26 THE GOVERNOR AS AN INDIVIDUAL WHO IS FULLY PROFESSIONALLY QUALIFIED FOR
27 THE OFFICE OF CIRCUIT COURT JUDGE.

28 2. A CANDIDATE WHOSE NAME IS FORWARDED TO THE
29 GOVERNOR IN ACCORDANCE WITH SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH
30 SHALL BE CONSIDERED QUALIFIED INDEFINITELY, UNLESS THE JUDICIAL
31 NOMINATING COMMISSION ALERTS THE GOVERNOR THAT IT NO LONGER
32 CONSIDERS THE CANDIDATE QUALIFIED.

33 (3) THE CANDIDATE WHO WINS ELECTION IN THE GENERAL
34 ELECTION SHALL SERVE FOR A TERM OF 15 YEARS FROM THE DATE THAT THE JUDGE
35 TAKES OFFICE AND UNTIL THE JUDGE'S SUCCESSOR IS APPOINTED OR ELECTED, AS
36 APPLICABLE, AND QUALIFIED, OR UNTIL THE JUDGE ATTAINS THE AGE OF 70 YEARS,

1 **WHICHEVER OCCURS FIRST.**

2 **(F) (1) IF THE 15-YEAR TERM OF A CIRCUIT COURT JUDGE EXPIRES**
3 **BEFORE THE JUDGE ATTAINS THE AGE OF 70 YEARS, THAT JUDGE MAY BE**
4 **REAPPOINTED BY THE GOVERNOR FOR ANOTHER 15-YEAR TERM, OR UNTIL THE**
5 **JUDGE ATTAINS THE AGE OF 70 YEARS, WHICHEVER OCCURS FIRST.**

6 **(2) THE REAPPOINTMENT OF A CIRCUIT COURT JUDGE UNDER THIS**
7 **SUBSECTION IS NOT SUBJECT TO CONFIRMATION BY THE SENATE.**

8 **[5.**

9 Upon every occurrence or recurrence of a vacancy through death, resignation,
10 removal, disqualification by reason of age or otherwise, or expiration of the term of fifteen
11 years of any judge of a circuit court, or creation of the office of any such judge, or in any
12 other way, the Governor shall appoint a person duly qualified to fill said office, who shall
13 hold the same until the election and qualification of his successor. His successor shall be
14 elected at the first biennial general election for Representatives in Congress after the
15 expiration of the term of fifteen years (if the vacancy occurred in that way) or the first such
16 general election after one year after the occurrence of the vacancy in any other way than
17 through expiration of such term. Except in case of reappointment of a judge upon expiration
18 of his term of fifteen years, no person shall be appointed who will become disqualified by
19 reason of age and thereby unable to continue to hold office until the prescribed time when
20 his successor would have been elected.]

21 **[5A.] 5.**

22 (a) A vacancy in the office of a justice or judge of an appellate court, whether
23 occasioned by the death, resignation, removal, retirement, disqualification by reason of age,
24 or rejection by the voters of an incumbent, the creation of the office of a justice or judge, or
25 otherwise, shall be filled as provided in this section.

26 (b) Upon the occurrence of a vacancy the Governor shall appoint, by and with the
27 advice and consent of the Senate, a person duly qualified to fill said office who shall hold
28 the same until the election for continuance in office as provided in subsections (c) and (d).

29 (c) The continuance in office of a justice of the Supreme Court of Maryland is
30 subject to approval or rejection by the registered voters of the appellate judicial circuit from
31 which the justice was appointed at the next general election following the expiration of
32 [one] 1 year from the date of the occurrence of the vacancy which the justice was appointed
33 to fill, and at the general election next occurring every [ten] 10 years thereafter.

34 (d) The continuance in office of a judge of the Appellate Court of Maryland is
35 subject to approval or rejection by the registered voters of the geographical area prescribed
36 by law at the next general election following the expiration of [one] 1 year from the date of
37 the occurrence of the vacancy which the judge was appointed to fill, and at the general

1 election next occurring every [ten] **10** years thereafter.

2 (e) **(1)** The approval or rejection by the registered voters of a justice or judge
3 as provided for in subsections (c) and (d) shall be a vote for the justice's or judge's retention
4 in office for a term of [ten] **10** years or the justice's or judge's removal.

5 **(2)** The justice's or judge's name shall be on the appropriate ballot, without
6 opposition, and the voters shall vote yes or no for the justice's or judge's retention in office.
7 If the voters reject the retention in office of a justice or judge, or if the vote is tied, the office
8 becomes vacant [ten] **10** days after certification of the election returns.

9 (f) An appellate court justice or judge shall retire when the justice or judge
10 attains the justice's or judge's [seventieth] **70TH** birthday.

11 (g) A member of the General Assembly who is otherwise qualified for
12 appointment to judicial office is not disqualified by reason of the member's membership in
13 a General Assembly which proposed or enacted any constitutional amendment or statute
14 affecting the method of selection, continuance in office, or retirement or removal of a justice
15 or judge, the creation or abolition of a court, an increase or decrease in the number of
16 justices or judges of any court, or an increase or decrease in the salary, pension, or other
17 allowances of any justice or judge.

18 41D.

19 **(A)** The Governor, by and with the advice and consent of the Senate, shall appoint
20 each judge of the District Court whenever for any reason a vacancy [shall exist] **EXISTS** in
21 the office.

22 **(B)** All hearings, deliberations, and debate on the confirmation of appointees of
23 the Governor shall be public, and no hearings, deliberations, or debate [thereon] shall be
24 conducted by the Senate or any committee or subcommittee [thereof] **OF THE SENATE** in
25 secret or executive session.

26 **(C) (1)** Confirmation by the Senate shall be made [upon] **ON** a majority vote of
27 all members of the Senate.

28 **(2)** A judge appointed by the Governor [may take office upon qualification
29 and] **MAY NOT EXERCISE THE DUTIES OF A JUDGE OF THE DISTRICT COURT** before
30 confirmation by the Senate[, but shall cease to hold office at the close of the regular annual
31 session of the General Assembly next following his appointment or during which he shall
32 have been appointed by the Governor, if the Senate shall not have confirmed his
33 appointment before then].

34 **(3) IF A VACANCY IN THE OFFICE OF JUDGE OF THE DISTRICT COURT**
35 **OCCURS DURING THE RECESS OF THE GENERAL ASSEMBLY, THE GOVERNOR MAY**

1 CONVENE THE SENATE ALONE FOR THE PURPOSE OF CONFIRMING AN
2 APPOINTMENT.

3 (D) Each judge appointed by the Governor and confirmed by the Senate shall hold
4 the office for a term of [ten] 10 years or until [he shall have attained] THE JUDGE ATTAINS
5 the age of [seventy] 70 years whichever may first occur.

6 (E) If the [ten year] 10-YEAR term of a judge [shall expire] EXPIRES before that
7 judge [shall have attained] ATTAINS the age of [seventy] 70 years, that judge shall be
8 reappointed by the Governor, with the Senate's consent, for another [ten year] 10-YEAR
9 term or until [he shall have attained] THE JUDGE ATTAINS the age of [seventy] 70 years,
10 whichever [may first occur] OCCURS FIRST. [To the extent inconsistent herewith, the
11 provisions of Sections 3 and 5 of this Article shall not apply to judges of the District Court.]

12 Article XVIII – Provisions of Limited Duration

13 6.

14 (A) FOR THE PURPOSE OF IMPLEMENTING THE AMENDMENTS TO ARTICLE
15 IV OF THIS CONSTITUTION PROPOSED BY SENATE BILL 954 OF 2025 CONCERNING
16 THE SELECTION AND TENURE OF CIRCUIT COURT JUDGES, THE FOLLOWING
17 PROVISIONS SHALL GOVERN. IN ACCORDANCE WITH ARTICLE XIV, SECTION 1A OF
18 THIS CONSTITUTION, THIS SECTION SHALL EXPIRE WHEN ALL THE JUDGES OF THE
19 CIRCUIT COURTS HAVE COMPLETED ALL THE TERMS FOR WHICH THE JUDGES ARE
20 RETAINED IN OFFICE UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION OR HAVE
21 VACATED THEIR OFFICES FOR ANY REASON.

22 (B) EACH JUDGE OF A CIRCUIT COURT WHO IS IN OFFICE FOR AN ELECTED
23 TERM ON THE EFFECTIVE DATE OF THESE AMENDMENTS, UNLESS THE JUDGE DIES,
24 RESIGNS, RETIRES, OR IS OTHERWISE LAWFULLY REMOVED, SHALL CONTINUE IN
25 OFFICE UNTIL THE JUDGE'S SUCCESSOR IS APPOINTED OR ELECTED, AS
26 APPLICABLE, AND QUALIFIED OR UNTIL THE JUDGE ATTAINS THE AGE OF 70 YEARS,
27 WHICHEVER OCCURS FIRST. CONTINUANCE OF THE JUDGE IN OFFICE IS THEN
28 SUBJECT TO THE PROVISIONS OF ARTICLE IV, SECTION 3 OF THIS CONSTITUTION,
29 BUT IN NO EVENT SHALL ANY JUDGE CONTINUE IN OFFICE AFTER ATTAINING THE
30 AGE OF 70 YEARS.

31 (C) EACH JUDGE OF A CIRCUIT COURT WHO IS IN OFFICE ON THE EFFECTIVE
32 DATE OF THE AMENDMENTS TO ARTICLE IV OF THIS CONSTITUTION PROPOSED BY
33 SENATE BILL 954 OF 2025, BUT WHO HAS NOT BEEN ELECTED TO THAT OFFICE BY
34 THE VOTERS, SHALL CONTINUE TO BE GOVERNED BY ARTICLE IV, SECTIONS 3 AND
35 5 OF THIS CONSTITUTION, AS IN EFFECT BEFORE THE RATIFICATION OF THE
36 AMENDMENTS TO ARTICLE IV OF THIS CONSTITUTION PROPOSED BY SENATE BILL
37 954 OF 2025. IF THE JUDGE IS ELECTED TO THE OFFICE, THE JUDGE SHALL

1 CONTINUE IN OFFICE UNTIL THE JUDGE’S SUCCESSOR IS APPOINTED OR ELECTED,
2 AS APPLICABLE, AND QUALIFIED OR UNTIL THE JUDGE ATTAINS THE AGE OF 70
3 YEARS, WHICHEVER OCCURS FIRST. CONTINUANCE OF THE JUDGE IN OFFICE AT THE
4 END OF THE ELECTED TERM IS THEN SUBJECT TO THE PROVISIONS OF ARTICLE IV,
5 SECTION 3 OF THIS CONSTITUTION, BUT IN NO EVENT SHALL ANY JUDGE CONTINUE
6 IN OFFICE AFTER ATTAINING THE AGE OF 70 YEARS.

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

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