

SENATE BILL 182

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EMERGENCY BILL

7lr1898
CF 7lr2463

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

Introduced and read first time: January 18, 2017

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 8, 2017

CHAPTER _____

1 AN ACT concerning

2 ~~Charles and~~ **Baltimore City and Charles, Prince George's, and Harford Counties**
3 **– Recall of Former Judge for Temporary Assignment – Eligibility**

4 FOR the purpose of altering the eligibility requirements for recall of a former judge in
5 Baltimore City, Charles County, Harford County, and Prince George's County for
6 temporary assignment; making this Act an emergency measure; and generally
7 relating to the recall of former judges for temporary assignment.

8 BY repealing and reenacting, without amendments,
9 Article – Courts and Judicial Proceedings
10 Section 1–302(a) and (c)
11 Annotated Code of Maryland
12 (2013 Replacement Volume and 2016 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Courts and Judicial Proceedings
15 Section 1–302(b)
16 Annotated Code of Maryland
17 (2013 Replacement Volume and 2016 Supplement)

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

20 **Article – Courts and Judicial Proceedings**

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 1-302.

2 (a) In this section, "former judge" means a judge who previously served in a court.

3 (b) Except as provided in subsection (c) of this section, the Chief Judge of the
4 Court of Appeals may assign any former judge to sit temporarily in any court if the
5 temporary assignment is approved by the administrative judge of the circuit in which the
6 former judge is to be assigned and if the former judge:

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

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

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

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

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

17 (4) Has consented to the assignment.

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

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

21 (2) Voluntarily retired by reason of disability;

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

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

26 (5) Is engaged in the practice of law.

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

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
30 measure, is necessary for the immediate preservation of the public health or safety, has
31 been passed by a ye and nay vote supported by three-fifths of all the members elected to

1 each of the two Houses of the General Assembly, and shall take effect from the date it is
2 enacted.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.