

hold his office for four years from the time of his election and until his successor is elected and qualified; he shall be re-eligible, and subject at all times to removal for willful neglect of duty, or misdemeanor in office in the same manner that the Clerks of the Courts are removable. In the event of any vacancy in the office of the Register of Wills, said vacancy shall be filled by the Judges of the Orphans' Court, in which such vacancy occurs, until the next general election for Delegates to the General Assembly when a Register shall be elected to serve for four years thereafter.

*Part VI—District Court.*

**SEC. 41A.**<sup>142</sup> The District Court shall have the original jurisdiction prescribed by law. Jurisdiction of the District Court shall be uniform throughout the State; except that in Montgomery County and other counties and the City of Baltimore, the Court may have such jurisdiction over juvenile causes as is provided by law.

**SEC. 41B.**<sup>143</sup> The District Court shall consist of the number of judges prescribed by law. The State shall be divided by law into districts. Each district shall consist of one county or two or more entire and adjoining counties. The number of judges shall be allocated among the districts by law, and there shall be at least one District Court judge resident in each district. In any district containing more than one county, there shall be at least one District Court judge resident in each county in the district. Functional divisions of the District Court may be established in any district.

**SEC. 41C.**<sup>144</sup> Each District Court judge shall devote full time to his judicial duties, shall have the qualifications prescribed by Section 2 of this Article, and shall be a resident of the district in which he holds office. The number of judges for any district may be increased or decreased by the General Assembly from time to time, subject to the requirements of Section 41B of this Article, and any vacancy so created shall be filled as provided in Section 41D of this Article.

**SEC. 41D.**<sup>145</sup> The Governor, by and with the advice and consent of the Senate, shall appoint each judge of the District Court whenever for any reason a vacancy shall exist in the office. All hearings, deliberations, and debate on the confirmation of appointees of the Governor shall be public, and no hearings, deliberations or debate thereon shall be conducted by the Senate or any committee or subcommittee thereof in secret or executive session. Confirmation by the Senate shall be made upon a majority vote of all members of the Senate. A judge appointed by the Governor may take office upon qualification and before confirmation by the Senate, but shall cease to hold office at the close of the regular annual session of the General Assembly next following his appointment or during which he shall have been appointed by the Governor, if the Senate shall not have confirmed his appointment before then. Each judge appointed by the Governor and confirmed by the Senate shall hold the office for a term of ten years or until he shall have attained the age of seventy years whichever may first occur. If the ten year term of a judge shall expire before that judge shall have attained the age of

seventy years, that judge shall be reappointed by the Governor, with the Senate's consent, for another ten year term or until he shall have attained the age of seventy years, whichever may first occur. To the extent inconsistent herewith, the provisions of Section 3 and 5 of this Article shall not apply to judges of the District Court.

**SEC. 41E.** The Chief Judge of the Court of Appeals shall designate one judge of the District Court as Chief Judge of that Court, to serve as Chief Judge at his pleasure. The Chief Judge of the District Court may assign administrative duties to other judges of the District Court and shall perform such other duties in the administration of the District Court as may be prescribed by rule or by law.

**SEC. 41F.** The Chief Judge of the District Court shall appoint, to serve at his pleasure, a Chief Clerk of that Court. He shall also appoint, to serve at his pleasure, and upon the recommendation of the administrative judge of the district, a chief administrative clerk for each district. The chief clerk shall perform such duties in the administration of the District Court as may be assigned him by the chief judge or as may be prescribed by rule or by law. Each chief administrative clerk shall perform such duties in the administration of the District Court as may be assigned him by the administrative judge of his district or as may be prescribed by rule of law. There shall be in each County a clerk of the District Court whose appointment, term, and compensation shall be prescribed by law. The Chief Judge of the District Court, upon recommendation of the respective administrative judges, shall appoint such deputy clerks, constables, and other officers of the District Court as may be necessary. It shall be the duty of the General Assembly to prescribe by law a fixed compensation for all such officers.

**SEC. 41G.** There shall be district court commissioners in the number and with the qualifications and compensation prescribed by law. Commissioners in a district shall be appointed by and serve at the pleasure of the Administrative Judge of the district, subject to the approval of the Chief Judge of the District Court. Commissioners may exercise power only with respect to warrants of arrest, or bail or collateral or other terms of pre-trial release pending hearing, or incarceration pending hearing, and then only as prescribed by law or by rule.

**SEC. 41H.** The salary of a judge of the District Court shall not be reduced during his continuance in office.

**SEC. 41-I.**<sup>146</sup> For the purpose of implementing the amendments to Articles IV, XV and XVII of this Constitution, establishing the District Court, the following provisions shall govern.

(a) The provisions of Section 41D of this Article shall govern initial vacancies in the office of judge of the District Court. Each full-time judge of the People's Court of Baltimore City, the Municipal Court of Baltimore City, and of the People's Courts of Anne Arundel, Montgomery, Prince George's, Wicomico Counties and Baltimore County who is in office on the effective date of these amendments shall continue in office as a judge of the District Court in his district and county of residence (or in Baltimore City) for the remainder of the term for which he was elected or appointed, and if his term expires prior to January 1, 1971, such judge shall be re-appointed by the Governor, if the Senate consents, in accordance with the provisions of Section 41D of this Article, subject to the Provisions of the Constitution respecting age, removal and retirement; provided that the term of any such judge of a People's Court who would be ineligible for appointment as a judge of the District Court under this Article shall expire on the effective date of these amendments. Thereafter, retention of any judge who is retained in office pursuant to the preceding provisions of this subsection shall be pursuant to Section 41D of this Article. No People's Court judge, judge of the

<sup>142</sup> Referring to the People's Courts, this section originally was added by Chapter 163, Acts of 1939, ratified Nov. 5, 1940, and amended by Chapter 575, Acts of 1959, ratified Nov. 8, 1960. It was repealed and a new section concerning the District Court was enacted by Chapter 789, Acts of 1969, ratified Nov. 3, 1970, and amended by Chapter 544, Acts of 1976, ratified Nov. 2, 1976.

<sup>143</sup> Added by Chapter 163, Acts of 1939, ratified Nov. 5, 1940. Repealed and a new section enacted by Chapter 789, Acts of 1969, ratified Nov. 3, 1970.

<sup>144</sup> Added by Chapter 373, Acts of 1959, ratified Nov. 8, 1960. Repealed and a new section enacted by Chapter 789, Acts of 1969, ratified Nov. 3, 1970.

<sup>145</sup> Sections 41D through 41I added by Chapter 789, Acts of 1969, ratified Nov. 3, 1970.

<sup>146</sup> Amended by Chapter 681, Acts of 1977, ratified Nov. 7, 1978.