

CHAPTER 773

(House Bill 21)

AN ACT to propose an amendment to Article IV of the Constitution of Maryland, title "Judiciary Department," subtitle "Part I—General Provisions," by adding new Sections 4A and 4B thereto, to follow immediately after Section 4 thereof, creating a Commission on Judicial Disabilities, providing for its members, powers and duties, relating generally to the early retirement and removal of judges, ~~as therein defined,~~ BY THE GENERAL ASSEMBLY ON RECOMMENDATION OF THE COMMISSION, and submitting this amendment to the qualified voters of the State for their adoption or rejection.

SECTION 1. *Be it enacted by the General Assembly of Maryland, (three-fifths of all of the members elected to each of the two Houses concurring), that the following sections be, and the same are hereby proposed as an amendment to Article IV of the Constitution of Maryland, title "Judiciary Department," subtitle "Part I—General Provisions," by adding new Sections 4A and 4B thereto, to follow immediately after Section 4 thereof, the same, if adopted by the legal and qualified voters of the State, as herein provided, to become a part of the Constitution of Maryland:*

4A.

(a) There is created a Commission on Judicial Disabilities, composed of five members: (i) three members shall be appointed by the Court of Appeals from among the judges of the Circuit Court for the Counties and the Supreme Bench of Baltimore City; (ii) one member, who shall be actively engaged in the practice of law, who shall have been so engaged for at least fifteen years, and who is not a judge of any court, shall be appointed by the Executive Council of the Maryland State Bar Association from among the resident members of said Association; and (iii) one member who is a citizen and resident of this State, who is not a judge, active or retired, and who is not admitted to the practice of law in any jurisdiction, shall be appointed by the Governor by and with the advice and consent of the Senate. The term of office of each member shall be for four years, commencing on January 1, except that, of those judges first appointed, the Court of Appeals shall designate one whose term shall expire December 31, 1969, another for a term expiring on December 31, 1970, and a third for a term expiring on December 31, 1971. Whenever a member appointed under subdivision (i) ceases to be a judge of the court from which he was selected, or whenever the member appointed under subdivision (ii) becomes a judge or ceases to be a resident member of the Maryland State Bar Association, or whenever the member appointed under subdivision (iii) becomes a judge of any court or is admitted to the practice of law in any jurisdiction, or ceases to be a resident of this State, the membership of such member shall forthwith terminate. Any vacancy on the Commission shall be filled for the unexpired term by the respective appointing authority, subject to the same qualifications. If a vacancy in the office appointed by the Governor occurs when the General Assembly is not in session, the Governor may issue an interim commission which shall