

CHAPTER 791

(Senate Bill 581)

AN ACT to propose an amendment to the Constitution of Maryland by amending or repealing Sections 3, 4B, 5, 14, 14B, 21, 31, 32, and 39, title "Judiciary Department," subtitles "Part I—General Provisions," "Part II—Court of Appeals," "Part III—Circuit Courts," and "Part IV—Courts of Baltimore City"; and for the enactment of a new Section 5A in said Article IV, subtitle "Part I—General Provisions"; providing that the Governor, by and with the advice and consent of the Senate shall appoint the judges of the Court of Appeals, intermediate courts of appeal, Circuit Courts, the Supreme Bench of Baltimore City; that all hearings on the confirmation of candidates shall be public and not conducted in secret or executive session; that confirmation shall be by a majority vote of all members elected to the Senate; that a judge appointed may take office upon qualification and before confirmation, but shall cease to hold office if not confirmed; that each judge appointed and confirmed shall hold office ~~during good behavior~~ FOR A TERM OF FIFTEEN YEARS OR, until the age of seventy years ~~and not after~~; WHICHEVER MAY FIRST OCCUR; that the powers of the Commission on Judicial Disabilities shall include the power to require persons to testify and produce evidence by granting them immunity from prosecution or from penalty or forfeiture; that said Commission may recommend to the Court of Appeals the removal or retirement of a judge; that the Court of Appeals shall prescribe rules concerning the Commission; that the Court of Appeals, upon recommendation of the Commission, after a hearing and upon making certain findings, may remove a judge from office, censure him or retire him from office; that a judge so removed and his surviving spouse shall have rights and privileges accruing from his judicial service only to the extent prescribed by the order of removal; that a judge so retired shall have the rights and privileges prescribed by law for other retired judges; that no judge shall sit in any hearing involving his own removal or retirement; and further providing for the removal of certain obsolete and outmoded provisions of Article IV of the Constitution and for the amendment of provisions of Article IV which are inconsistent with these amendments, for certain interim provisions including the terms of office, appointment and confirmation of judges in office on the effective date of these amendments, and for the submission of these amendments to the qualified voters of the State of Maryland for their adoption or rejection.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* (Three-fifths of all the members elected to each of the two houses concurring), That the following amendments be and they are hereby proposed to Sections 3, 4B, 5, 14, 21, 31, 32, and 39 of Article IV of the Constitution of Maryland, title "Judiciary Department," subtitles "Part I—General Provisions," "Part II—Court of Appeals," "Part III—Circuit Courts," and "Part IV—Courts of Baltimore City"; that Article IV of the Constitution be and it is hereby further amended by repealing Section 14B thereof, subtitle "Part II—Courts of Appeal"; and that Article IV be, and it is hereby further amended by enacting new Section 5A, subtitle "Part I—General Provisions"; the same, if adopted by the legal and qualified voters