

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1344

(Delegates C. Wilson and McComas)

Judiciary

Judicial Proceedings

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

This emergency bill alters, from three years to two years, the minimum number of years that a former judge in Baltimore City and Charles, Harford, and Prince George's counties must have served in order to be eligible to be recalled for temporary service.

Fiscal Summary

State Effect: The bill does not directly affect the workload or finances of the Judiciary.

Local Effect: The bill does not directly affect the workload of the circuit courts.

Small Business Effect: None.

Analysis

Current Law: The Chief Judge of the Court of Appeals may assign any former judge to sit temporarily in any court if the assignment is approved by the administrative judge of the circuit in which the former judge is to be assigned and other specified requirements are met. In Baltimore City and Charles, Harford, and Prince George's counties, the former judge must have served in the aggregate at least three years as a judge; in Talbot County, one year's prior service is required. Otherwise, the former judge must have served in the aggregate at least two years as a judge.

Former judges may not be recalled for temporary assignment if the judge (1) was removed or involuntarily retired from judicial office pursuant to the Constitution or State law; (2) voluntarily retired by reason of disability; (3) had the most recent service as a judge

terminated by reason of defeat for election to judicial office or by rejection of confirmation by the Senate; (4) was censured by the Court of Appeals upon recommendation of the Commission on Judicial Disabilities; or (5) is engaged in the practice of law.

State/Local Fiscal Effect: The proposed fiscal 2018 State budget includes approximately \$5.6 million in funding for retired judges, which the Judiciary uses to supplement current judicial resources. Although the bill may allow additional retired judges to be eligible for temporary service in Baltimore City and Charles, Harford, and Prince George's counties, it does not directly impact the finances of the Judiciary or the workload of the District or circuit courts, as the bill does not require any of the impacted jurisdictions to increase the overall use of retired judges.

Additional Information

Prior Introductions: None.

Cross File: SB 182 (Senator Middleton, *et al.*) - Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - February 14, 2017
md/kdm Third Reader - March 21, 2017
Revised - Amendment(s) - March 21, 2017

Analysis by: Jennifer K. Botts

Direct Inquiries to:
(410) 946-5510
(301) 970-5510