

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 726
Judiciary

(Delegate Bartlett, *et al.*)

Constitutional Amendment - Civil Jury Trials

This proposed constitutional amendment increases, from more than \$15,000 to more than \$30,000, the amount in controversy in civil proceedings in which the right to trial by jury may be limited by legislation.

Fiscal Summary

State Effect: None.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The right to a jury trial in Maryland is established in Articles 5 and 23 of the Maryland Declaration of Rights. Article 5 preserves the right of the inhabitants of Maryland to a jury trial as it existed in the English Common Law on July 4, 1776. Article 23 inviolably preserves the right to a jury trial in civil proceedings where the amount in controversy exceeds \$15,000. A party may not demand a jury trial if the amount in controversy does not exceed \$15,000, exclusive of any attorney's fees if attorney's fees are recoverable by law or contract.

The District Court of Maryland has exclusive original jurisdiction for a civil case in which the amount in controversy does not exceed \$5,000, exclusive of prejudgment or postjudgment interest, costs, and attorney's fees if attorney's fees are recoverable by law or contract.

The District Court has concurrent jurisdiction with the circuit courts in a civil case in which the amount in controversy exceeds \$5,000, but does not exceed \$30,000, exclusive of prejudgment or postjudgment interest, costs, and attorney's fees if attorney's fees are recoverable by law or contract. The plaintiff may elect to file such a case in the District Court or a circuit court. However, if the plaintiff files the case in the District Court and the amount in controversy exceeds \$15,000, a defendant may demand a jury trial and the case must be transferred to the circuit court.

The circuit courts have exclusive jurisdiction in civil cases in which the amount in controversy exceeds \$30,000, exclusive of prejudgment or postjudgment interest, costs, and attorney's fees if attorney's fees are recoverable by law or contract.

Additional Information

Prior Introductions: SB 776 of 2019 received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken. SB 474 of 2015 received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken.

Designated Cross File: SB 550 (Senator Waldstreicher, *et al.*) - Judicial Proceedings.

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

Fiscal Note History: First Reader - February 14, 2020
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