

**Department of Legislative Services**  
Maryland General Assembly  
2007 Session

**FISCAL AND POLICY NOTE**

House Bill 469  
Judiciary

(Delegate Smigiel)

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**Task Force to Study Judicial Involvement with the Legislative Process**

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This bill establishes a Task Force to Study Judicial Involvement with the Legislative Process to study the issues that arise when the Judicial Branch of government becomes involved with legislative proposals. The task force is to identify inappropriate judicial interference and make recommendations to preserve the separation of powers. Findings and recommendations are due to the Governor and the General Assembly by December 31, 2007.

The Department of Legislative Services (DLS) must provide staffing for the task force. The bill takes effect June 1, 2007 and terminates December 31, 2007.

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**Fiscal Summary**

**State Effect:** None. Any expense reimbursements for task force members and staffing costs for DLS could be handled with existing resources.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** The separation of powers doctrine, while only implied in the federal constitution, is made explicit in the Constitution of Maryland. Article 8 of the Declaration of Rights reads “That the Legislative, Executive and Judicial powers of Government ought to be forever separate and distinct from each other; and no person

exercising the functions of one of said Departments shall assume or discharge the duties of any other.”

Under Canon 4(C) of the Maryland Code of Judicial Conduct (Rule 6-813), a judge may not accept appointment to a governmental advisory commission, committee, or position, and may not appear at a public hearing before, or otherwise consult with, an executive or legislative body or official, except when acting in a matter that involves the judge or the judge’s interests, when acting as to a matter that concerns the administration of justice, the legal system, or improvement of the law, or when acting as otherwise allowed under Canon 4.

Under Canon 5(A), a judge who is not a candidate for judicial office may not engage in any partisan political activity.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - February 14, 2007  
mam/jr

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