

SENATE BILL 119

D3

CONSTITUTIONAL AMENDMENT
ENROLLED BILL

(0lr0427)

— *Judicial Proceedings/Judiciary* —

Introduced by **Senators Zirkin and Stone**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Civil Jury Trials – Amount in Controversy**

3 FOR the purpose of proposing an amendment to the Maryland Declaration of Rights to
4 alter the amount in controversy in civil proceedings in which the right to a jury
5 trial may be limited by legislation; altering the amount in controversy in civil
6 proceedings in which the right to a jury trial shall be inviolably preserved; and
7 submitting this amendment to the qualified voters of the State of Maryland for
8 their adoption or rejection.

9 BY proposing an amendment to the Maryland Constitution
10 Declaration of Rights
11 ~~Articles~~ Article 5(a) and 23

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, (Three-fifths of all the members elected to each of the two Houses
3 concurring), That it be proposed that the Maryland Constitution read as follows:

4 **Declaration of Rights**

5 Article 5.

6 (a) (1) That the Inhabitants of Maryland are entitled to the Common Law
7 of England, and the trial by Jury, according to the course of that Law, and to the
8 benefit of such of the English statutes as existed on the Fourth day of July, seventeen
9 hundred and seventy-six; and which, by experience, have been found applicable to
10 their local and other circumstances, and have been introduced, used and practiced by
11 the Courts of Law or Equity; and also of all Acts of Assembly in force on the first day of
12 June, eighteen hundred and sixty-seven; except such as may have since expired, or
13 may be inconsistent with the provisions of this Constitution; subject, nevertheless, to
14 the revision of, and amendment or repeal by, the Legislature of this State. And the
15 Inhabitants of Maryland are also entitled to all property derived to them from, or
16 under the Charter granted by His Majesty Charles the First to Caecilius Calvert,
17 Baron of Baltimore.

18 (2) Legislation may be enacted that limits the right to trial by jury in
19 civil proceedings to those proceedings in which the amount in controversy exceeds
20 ~~[\$10,000] \$20,000~~ \$15,000.

21 Article 23.

22 In the trial of all criminal cases, the Jury shall be the Judges of Law, as well as
23 of fact, except that the Court may pass upon the sufficiency of the evidence to sustain
24 a conviction.

25 The right of trial by Jury of all issues of fact in civil proceedings in the several
26 Courts of Law in this State, where the amount in controversy exceeds the sum of
27 ~~[\$10,000] \$20,000~~ \$15,000, shall be inviolably preserved.

28 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
29 determines that the amendment to the Maryland Constitution proposed by this Act
30 affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the
31 Maryland Constitution concerning local approval of constitutional amendments do not
32 apply.

33 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
34 proposed as an amendment to the Maryland Constitution shall be submitted to the
35 legal and qualified voters of this State at the next general election to be held in
36 November, 2010 for their adoption or rejection pursuant to Article XIV of the
37 Maryland Constitution. At that general election, the vote on this proposed amendment
38 to the Constitution shall be by ballot, and upon each ballot there shall be printed the

1 words “For the Constitutional Amendment” and “Against the Constitutional
2 Amendment,” as now provided by law. Immediately after the election, all returns shall
3 be made to the Governor of the vote for and against the proposed amendment, as
4 directed by Article XIV of the Maryland Constitution, and further proceedings had in
5 accordance with Article XIV.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.