

# Chapter 394

(Senate Bill 281)

AN ACT concerning

## ~~Baltimore County and~~ Prince George's County – Orphans' Court Judges – Qualifications

FOR the purpose of proposing an amendment to the Maryland Constitution to prescribe different qualifications for judges of the Orphans' Court for ~~Baltimore County and~~ Prince George's County; requiring judges of the Orphans' Court for ~~Baltimore County and~~ Prince George's County to have been admitted to practice law in this State and be members in good standing of the Maryland Bar; and submitting this amendment to the qualified voters of the State for their adoption or rejection.

BY proposing an amendment to the Maryland Constitution  
Article IV – Judiciary Department  
Section 40

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 it be proposed that the Maryland Constitution read as follows:

### Article IV – Judiciary Department

40.

(a) The qualified voters of the several Counties, except Montgomery County, ~~PRINCE GEORGE'S COUNTY~~, and Harford County, shall elect three Judges of the Orphans' Courts of Counties who shall be citizens of the State and residents, for the twelve months preceding, in the County for which they may be elected.

(b) The qualified voters of the City of Baltimore shall elect three Judges of the Orphans' Court for Baltimore City who shall be citizens of the State and residents, for the twelve months preceding, in Baltimore City and who have been admitted to practice law in this State and are members in good standing of the Maryland Bar.

~~(c) THE QUALIFIED VOTERS OF BALTIMORE COUNTY SHALL ELECT THREE JUDGES OF THE ORPHANS' COURT FOR BALTIMORE COUNTY WHO SHALL BE CITIZENS OF THE STATE AND RESIDENTS, FOR THE TWELVE MONTHS PRECEDING, IN BALTIMORE COUNTY AND WHO HAVE BEEN ADMITTED TO PRACTICE LAW IN THIS STATE AND ARE MEMBERS IN GOOD STANDING OF THE MARYLAND BAR.~~

~~(C)~~ ~~(D)~~ **(C)** THE QUALIFIED VOTERS OF PRINCE GEORGE'S COUNTY SHALL ELECT THREE JUDGES OF THE ORPHANS' COURT FOR PRINCE GEORGE'S COUNTY WHO SHALL BE CITIZENS OF THE STATE AND RESIDENTS, FOR THE TWELVE MONTHS PRECEDING, IN PRINCE GEORGE'S COUNTY AND WHO HAVE BEEN ADMITTED TO PRACTICE LAW IN THIS STATE AND ARE MEMBERS IN GOOD STANDING OF THE MARYLAND BAR.

[(c)] ~~(D)~~ ~~(E)~~ **(D)** The Judges shall have all the powers now vested in the Orphans' Courts of the State, subject to such changes as the Legislature may prescribe.

[(d)] ~~(E)~~ ~~(F)~~ **(E)** Each of the Judges shall be paid such compensation as may be regulated by Law, to be paid by the City or Counties, respectively.

[(e)] ~~(F)~~ ~~(G)~~ **(F)** In case of a vacancy in the office of Judge of the Orphans' Court, the Governor shall appoint, subject to confirmation or rejection by the Senate, some suitable person to fill the vacancy for the residue of the term.

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

SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section proposed as an amendment to the Maryland Constitution shall be submitted to the qualified voters of the State at the next general election to be held in November, 2012 for their adoption or rejection pursuant to Article XIV of the Maryland Constitution. At that general election, the vote on this proposed amendment to the Constitution shall be by ballot, and upon each ballot there shall be printed the words "For the Constitutional Amendment" and "Against the Constitutional Amendment," as now provided by law. Immediately after the election, all returns shall be made to the Governor of the vote for and against the proposed amendment, as directed by Article XIV of the Maryland Constitution, and further proceedings had in accordance with Article XIV.

**Assigned a chapter number, enactment subject to constitutional referendum, May 10, 2011.**