

HOUSE BILL 265

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2lr1298
CF SB 280

By: **Chair, Judiciary Committee (By Request – Maryland Judicial Conference)**

Introduced and read first time: January 27, 2012

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Task Force to Study Implementing a Civil Right to Counsel in Maryland**

3 FOR the purpose of establishing the Task Force to Study Implementing a Civil Right
4 to Counsel in Maryland; providing for the composition, chair, and staffing of the
5 Task Force; prohibiting a member of the Task Force from receiving certain
6 compensation, but authorizing the reimbursement of certain expenses;
7 requiring the Task Force to study and make recommendations regarding certain
8 matters; requiring the Task Force to report its findings and recommendations to
9 certain public officials on or before a certain date; providing for the termination
10 of this Act; and generally relating to the Task Force to Study Implementing a
11 Civil Right to Counsel in Maryland.

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That:

14 (a) There is a Task Force to Study Implementing a Civil Right to Counsel in
15 Maryland.

16 (b) The Task Force consists of the following members:

17 (1) three members of the Senate of Maryland, appointed by the
18 President of the Senate;

19 (2) three members of the House of Delegates, appointed by the
20 Speaker of the House;

21 (3) three members appointed by the Governor, one of whom shall be
22 an attorney who is a member of the Maryland State Bar Association and who is
23 appointed after consultation with the President of the Maryland State Bar Association
24 and one of whom shall be an attorney or a legal provider or both; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (4) three members who are representatives of the Judiciary, appointed
2 by the Chief Judge of the Court of Appeals.

3 (c) The Chief Judge of the Court of Appeals shall designate the chair of the
4 Task Force, who shall have a vote in the recommendations of the Task Force.

5 (d) The Maryland Access to Justice Commission shall provide staff for the
6 Task Force.

7 (e) A member of the Task Force:

8 (1) may not receive compensation as a member of the Task Force; but

9 (2) is entitled to reimbursement for expenses under the Standard
10 State Travel Regulations, as provided in the State budget.

11 (f) The Task Force shall:

12 (1) study the current resources available to assist in providing counsel
13 to low-income Marylanders compared to the depth of the unmet need, including the
14 resulting burden on the court system and the stress on other public resources;

15 (2) study whether low-income Marylanders should have the right to
16 counsel at public expense in basic human needs cases, such as those involving shelter,
17 sustenance, safety, health, or child custody, including review and analysis of the
18 Maryland Access to Justice Commission's "Implementing a Civil Right to Counsel in
19 Maryland" report and each other previous report by a task force, commission, or
20 workgroup on this issue;

21 (3) study alternatives regarding the currently underserved citizenry of
22 the State and the operation of the court system;

23 (4) study how the right to counsel might be implemented in Maryland;

24 (5) study the costs to provide meaningful access to counsel and the
25 savings to the court system and other public resources;

26 (6) study the possible revenue sources; and

27 (7) make recommendations regarding the matters described in this
28 subsection.

29 (g) On or before October 1, 2013, the Task Force shall report its findings and
30 recommendations to the Governor, the Chief Judge of the Court of Appeals, and, in
31 accordance with § 2-1246 of the State Government Article, the President of the
32 Senate, the Speaker of the House, the Senate Budget and Taxation Committee, the

1 Senate Judicial Proceedings Committee, the House Appropriations Committee, and
2 the House Judiciary Committee.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2012. It shall remain effective for a period of 1 year and, at the end of
5 September 30, 2013, with no further action required by the General Assembly, this Act
6 shall be abrogated and of no further force and effect.