

SENATE BILL 544

P1, L1, L6

CONSTITUTIONAL AMENDMENT

2lr2722
CF HB 211

By: **Senators Ramirez, Raskin, Benson, Brinkley, Brochin, Colburn, Currie, DeGrange, Ferguson, Forehand, Frosh, Garagiola, Glassman, Jacobs, Jennings, King, Kittleman, Madaleno, Manno, Mathias, Middleton, Miller, Montgomery, Peters, Pinsky, Reilly, Robey, Rosapepe, Shank, Simonaire, Stone, Young, and Zirkin**

Introduced and read first time: February 3, 2012

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 28, 2012

CHAPTER _____

1 AN ACT concerning

2 **Elected Officials – Removal from Office – Crimes**

3 FOR the purpose of requiring that an elected official of the State or of a county or
4 municipal corporation who is found guilty of a felony or certain misdemeanors
5 be suspended and, under certain circumstances, removed from office by
6 operation of law; requiring that an elected official of the State or of a county or
7 municipal corporation who ~~is convicted of or~~ enters a certain plea relating to a
8 felony or certain misdemeanors be removed from office by operation of law;
9 ~~repealing the provision of law that requires an elected official to be suspended~~
10 ~~from office by operation of law under certain circumstances~~; making stylistic
11 changes; and submitting this amendment to the qualified voters of the State for
12 their adoption or rejection.

13 BY proposing an amendment to the Maryland Constitution

14 Article XV – Miscellaneous

15 Section 2

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

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.



1

Article XV – Miscellaneous

2 2.

3 Any elected official of the State, or of a county or of a municipal corporation who
 4 during [his] **THE ELECTED OFFICIAL'S** term of office is ~~convicted of or enters a plea~~
 5 ~~of GUILTY OR nolo contendere to~~ **FOUND GUILTY OF** any crime which is a felony, or
 6 which is a misdemeanor related to [his] **THE ELECTED OFFICIAL'S** public duties and
 7 responsibilities and involves moral turpitude for which the penalty may be
 8 incarceration in any penal institution, shall be ~~is~~suspended by operation of law without
 9 pay or benefits from the elective office. During and for the period of suspension of the
 10 elected official, the appropriate governing body and/or official authorized by law to fill
 11 any vacancy in the elective office shall appoint a person to temporarily fill the elective
 12 office, provided that if the elective office is one for which automatic succession is
 13 provided by law, then in such event the person entitled to succeed to the office shall
 14 temporarily fill the elective office. If the ~~conviction~~ **FINDING OF GUILT** becomes A
 15 final **CONVICTION**, after judicial review or otherwise, such elected official shall be ~~is~~
 16 removed from the elective office by operation of Law and the office shall be deemed
 17 vacant. If the ~~conviction~~ **FINDING OF GUILT** of the elected official is reversed or
 18 overturned, the elected official shall be reinstated by operation of Law to the elective
 19 office for the remainder, if any, of the elective term of office during which [he] **THE**
 20 **ELECTED OFFICIAL** was ~~is~~so suspended or ~~is~~ removed, and all pay and benefits shall be
 21 restored. ANY ELECTED OFFICIAL OF THE STATE, OR OF A COUNTY OR OF A
 22 MUNICIPAL CORPORATION WHO DURING THE ELECTED OFFICIAL'S TERM OF
 23 OFFICE ENTERS A GUILTY PLEA OR A PLEA OF NOLO CONTENDERE TO ANY
 24 CRIME WHICH IS A FELONY, OR WHICH IS A MISDEMEANOR RELATED TO THE
 25 ELECTED OFFICIAL'S PUBLIC DUTIES AND RESPONSIBILITIES AND INVOLVES
 26 MORAL TURPITUDE FOR WHICH THE PENALTY MAY BE INCARCERATION IN ANY
 27 PENAL INSTITUTION, SHALL BE REMOVED FROM THE ELECTIVE OFFICE BY
 28 OPERATION OF LAW AND THE OFFICE SHALL BE DEEMED VACANT.

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

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

1 XIV of the Maryland Constitution, and further proceedings had in accordance with
2 Article XIV.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.