

Appeals or any intermediate courts of appeal shall, subject to the provisions of Section 5 of this Article of the Constitution, be elected in Baltimore City and in each county, by the qualified voters of the city and of each county, respectively, all of the said Judges to be elected at the general election to be held on the Tuesday after the first Monday in November, as now provided for in the Constitution. Each of the said Judges shall hold his office for the term of fifteen years from the time of his election, and until his successor is elected and qualified, or until he shall have attained the age of seventy years, whichever may first happen, and be re-eligible thereto until he shall have attained the age of seventy years, and not after. In case of the inability of any of said Judges to discharge his duties with efficiency, by reason of continued sickness, or of physical or mental infirmity, it shall be in the power of the General Assembly, two-thirds of the members of each House concurring, with the approval of the Governor to retire said Judge from office (*amended by Chapter 479, Acts of 1931, ratified Nov. 8, 1932; Chapter 607, Acts of 1953, ratified Nov. 2, 1954; Chapter 10, Acts of 1966, ratified Nov. 8, 1966; Chapter 542, Acts of 1976, ratified Nov. 2, 1976; Chapter 681, Acts of 1977, ratified Nov. 7, 1978*).

SEC. 3A. (a) (1) Except as provided in paragraph (2) of this subsection, any former judge, except a former judge of the Orphans' Court, may be assigned by the Chief Judge of the Court of Appeals, upon approval of a majority of the court, to sit temporarily in any court of this State, except an Orphans' Court, as provided by law.

(2)(i) a retired judge of the Circuit Court for Montgomery County that sits as the Orphans' Court for Montgomery County may be assigned by the Chief Judge of the Court of Appeals, upon approval of a majority of the Court of Appeals, to do an act that a judge of the Orphans' Court for Montgomery County is authorized to perform.

(ii) a retired judge of the Circuit Court for Harford County that sits as the Orphans' Court for Harford County may be assigned by the Chief Judge of the Court of Appeals, upon approval of a majority of the Court of Appeals, to do an act that a judge of the Orphans' Court for Harford County is authorized to perform.

(b) The provisions of this section apply, notwithstanding provisions appearing elsewhere in this Article pertaining to retirement of judges upon attaining age 70 (*added by Chapter 546, Acts of 1976, ratified Nov. 2, 1976. Amended by Chapter 323, Acts of 1998, ratified Nov. 3, 1998*).

SEC. 4. Any judge shall be removed from office by the Governor, on conviction in a Court of Law, of incompetency, of wilful neglect of duty, misbehavior in office, or any other crime, or on impeachment, according to this Constitution, or the Laws of the State; or on the address of the General Assembly, two-thirds of each House concurring in such address, and the accused having been notified of the charges against him, and having had opportunity of making his defence.

SEC. 4A. (a) There is a Commission on Judicial Disabilities composed of eleven persons appointed by the Governor of Maryland, by and with the advice and consent of the Senate.

(b) The members of the Commission shall be citizens and residents of this State.

(c) (1) Three members of the Commission shall be appointed from among the judges of the State, with one member representing the appellate courts, one member representing the circuit courts, and one member representing the District Court.

(2) Three members shall be appointed from among those persons who are admitted to practice law in the State, who have been so engaged for at least seven years, and who are not judges of any court.

(3) Five members shall represent the public, who may not be active or retired judges, who are not admitted to practice law in this State, and who may not have a financial relationship with or receive compensation from a judge or a person admitted to practice law in this State.

(4) The composition of the Commission should reflect the race, gender, and geographic diversity of the population of the State.

(d) The term of office of each member is four years commencing on January 1 following the expiration of the member's predecessor's term. A member may not serve more than two four-year terms, or for more than a total of ten years if appointed to fill a vacancy.

(e) A member's membership automatically terminates:

(1) When any member of the Commission appointed from among judges in the State ceases to be a judge;

(2) When any member appointed from among those admitted to practice law becomes a judge;

(3) When any member representing the public becomes a judge or is admitted to the practice of law in this State or has a financial relationship with or receives compensation from a judge or a person admitted to practice law in this State; or

(4) When any member ceases to be a resident of the State.

(f) Any vacancies on the Commission shall be filled for the unexpired term by the Governor in the same manner as for making of appointments to the Commission and subject to the same qualifications which were applicable to the person causing the vacancy.

(g) A member of the Commission may not receive any compensation for the member's services as such but shall be allowed any expenses necessarily incurred in the performance of the member's duties as such a member (*amended by Chapter 773, Acts of 1965, ratified Nov. 8, 1966; Chapter 789, Acts of 1969, ratified Nov. 3, 1970; Chapter 681, Acts of 1977, ratified Nov. 7, 1978; Chapter 523, Acts of 1980, ratified Nov. 4, 1980; Chapter 113, Acts of 1995, ratified Nov. 5, 1996*).

SEC. 4B. (a) (1) The Commission on Judicial Disabilities has the power to:

(i) investigate complaints against any judge of the Court of Appeals, any intermediate courts of appeal, the Circuit Courts, the District Court of Maryland, or the Orphans' Court; and

(ii) conduct hearings concerning such complaints, administer oaths and affirmations, issue process to compel the attendance of witnesses and the production of evidence, and require persons to testify and produce evidence by granting them immunity from prosecution or from penalty or forfeiture.