

Article IV - Judiciary Department

22.

Where any [Term is held, or] trial IS conducted by less than [the whole number of said] THREE Circuit Judges, upon the decision or determination of any point, or question, by the Court, it shall be competent to the party, against whom the ruling or decision is made, upon motion, to have the point, or question reserved for the consideration of [the] three Judges of the Circuit, who shall constitute a court in banc for such purpose; and the motion for such reservation shall be entered of record, during the sitting[,] at which such decision may be made; and the [several Circuit Courts shall regulate, by rules, the mode and manner of presenting such points, or questions to the Court in banc, and] PROCEDURE FOR APPEALS TO THE CIRCUIT COURT IN BANC SHALL BE AS PROVIDED BY THE MARYLAND RULES. [the] THE decision of the said Court in banc shall be the effective decision in the premises, and conclusive, as against the party[,] at whose motion said points, or questions were reserved; but such decision in banc shall not preclude the right of Appeal[, or writ of error to the] BY AN adverse party WHO DID NOT SEEK IN BANC REVIEW, in those cases, civil or criminal, in which appeal[, or writ of error] to the Court of SPECIAL Appeals may be allowed by Law. The right of having questions reserved shall not, however, apply to trials of Appeals from judgments of the District Court, nor to criminal cases below the grade of felony, except when the punishment is confinement in the Penitentiary; and this Section shall be subject to such provisions as may hereafter be made by Law.

SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly determines that the amendment to the Maryland Constitution proposed by this Act affects multiple jurisdictions 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 legal and qualified voters of this State at the next general election to be held in November, 2006 for their adoption or rejection in pursuance of directions contained in 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.

Approved May 2, 2006.