

SENATE BILL 284

P1, E2

CONSTITUTIONAL AMENDMENT

2lr0943

By: **Senators Frosh, Brinkley, Brochin, Conway, Dyson, Garagiola, Getty, Glassman, Kasemeyer, Kittleman, Madaleno, Middleton, Miller, Robey, and Stone**

Introduced and read first time: January 26, 2012

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Legislative Immunity – Prosecutions for Bribery**

3 FOR the purpose of proposing an amendment to the Maryland Constitution to provide
4 that a certain legislative immunity or privilege does not apply in a certain
5 prosecution; and submitting this amendment to the qualified voters of the State
6 for their adoption or rejection.

7 BY proposing an amendment to the Maryland Constitution
8 Article III – Legislative Department
9 Section 18

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

13 **Article III – Legislative Department**

14 18.

15 No Senator or Delegate shall be liable in any civil action, or criminal
16 prosecution, whatever, for words spoken in debate, **EXCEPT THAT NO SUCH**
17 **LEGISLATIVE IMMUNITY OR PRIVILEGE SHALL APPLY IN A PROSECUTION FOR**
18 **DEMANDING OR RECEIVING A BRIBE, FEE, REWARD, OR TESTIMONIAL TO**
19 **INFLUENCE THE PERFORMANCE OF, OR TO NEGLECT OR FAIL TO PERFORM, THE**
20 **SENATOR’S OR DELEGATE’S OFFICIAL DUTIES.**

21 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
22 determines that the amendment to the Maryland Constitution proposed by this Act

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the
2 Maryland Constitution concerning local approval of constitutional amendments do not
3 apply.

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