

# HOUSE BILL 1660

P5

CONSTITUTIONAL AMENDMENT

0lr3775

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By: **Delegate Grammer**

Rules suspended

Introduced and read first time: March 4, 2020

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **General Assembly – Legislative Privilege – Exception for Records Related to a**  
3 **Crime**

4 FOR the purpose of proposing an amendment to the Maryland Constitution to provide that  
5 the prohibition against the freedom of speech and debate or proceedings in the  
6 Legislature being impeached in a court does not prohibit the disclosure of certain  
7 records; providing that the prohibition against Senators and Delegates being liable  
8 in certain actions for words spoken in debate does not prohibit the disclosure of  
9 certain records; and submitting this amendment to the qualified voters of the State  
10 for their adoption or rejection.

11 BY proposing an amendment to the Maryland Constitution  
12 Declaration of Rights  
13 Article 10

14 BY proposing an amendment to the Maryland Constitution  
15 Article III – Legislative Department  
16 Section 18

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

20 **Declaration of Rights**

21 10.

22 **(A)** That freedom of speech and debate, or proceedings in the Legislature, ought  
23 not to be impeached in any Court of Judicature.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1       **(B) THIS ARTICLE DOES NOT PROHIBIT THE DISCLOSURE OF RECORDS THAT**  
2 **ARE RELATED TO A CRIME OF WHICH A MEMBER OR FORMER MEMBER OF THE**  
3 **GENERAL ASSEMBLY HAS BEEN CONVICTED.**

4                               **Article III – Legislative Department**

5 18.

6       **(A)** No Senator or Delegate shall be liable in any civil action, or criminal  
7 prosecution, whatever, for words spoken in debate.

8       **(B) THIS SECTION DOES NOT PROHIBIT THE DISCLOSURE OF RECORDS**  
9 **THAT ARE RELATED TO A CRIME OF WHICH A SENATOR OR DELEGATE OR FORMER**  
10 **SENATOR OR DELEGATE HAS BEEN CONVICTED.**

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

15       SECTION 3. AND BE IT FURTHER ENACTED, That the amendment to the  
16 Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified  
17 voters of the State at the next general election to be held in November 2020 for adoption or  
18 rejection pursuant to Article XIV of the Maryland Constitution. At that general election,  
19 the vote on the proposed amendment to the Constitution shall be by ballot, and on each  
20 ballot there shall be printed the words “For the Constitutional Amendment” and “Against  
21 the Constitutional Amendment”, as now provided by law. Immediately after the election,  
22 all returns shall be made to the Governor of the vote for and against the proposed  
23 amendment, as directed by Article XIV of the Maryland Constitution, and further  
24 proceedings had in accordance with Article XIV.