SPONSOR: Rep. Mitchell & Rep. Yearick & Sen. Henry
Reps. J. Johnson, Lynn, Paradee,
D. Short, Smyk, Spiegelman, Viola,
Wilson; Sens. Ennis, Lavelle,
Lawson, Simpson, Townsend

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 56

AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE IV, SECTION 37 OF THE DELAWARE CONSTITUTION OF 1897, AS AMENDED, RELATING TO THE COURT ON THE JUDICIARY.

WHEREAS, an amendment to the Delaware Constitution was proposed in the 148th General Assembly, being Chapter 170, Volume 80, Laws of Delaware as follows:

"AN ACT PROPOSING AN AMENDMENT TO ARTICLE IV, SECTION 37 OF THE DELAWARE CONSTITUTION OF 1897, AS AMENDED, RELATING TO THE COURT ON THE JUDICIARY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend Article IV, § 37 of the Delaware Constitution by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 37. Court on the Judiciary.

Section 37. A Court on the Judiciary is hereby created consisting of the Chief Justice and the ~~Associate~~ Justices of the Supreme Court, the Chancellor, the President Judge of the Superior Court, the Chief Judge of the Family Court, ~~and~~ the Chief Judge of the Court of Common Pleas and the Chief Magistrate of the Justice of the Peace Court." and

WHEREAS, the proposed amendment was adopted by two-thirds of all members elected to each house of the 148th General Assembly:

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

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SYNOPSIS

This Act is the second leg of a constitutional amendment that would add the Chief Magistrate to the Court on the Judiciary. Like all judges within the state, the judges of the Justice of the Peace Court are subject to the jurisdiction of the Court on the Judiciary. This amendment makes it so that the presiding judge of each of the six state courts serves as a member.