

HOUSE BILL 1291

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CF SB 856

By: **Delegates B. Barnes, Anderson, Atterbeary, Barron, Dumais, Hettleman,
Korman, Lierman, Morales, Rosenberg, Sydnor, and Valentino-Smith**

Introduced and read first time: February 10, 2017

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Legal Services Corporation Funding – Abandoned Property Funds**

3 FOR the purpose of increasing the amount that the State Comptroller is required to
4 distribute of certain abandoned property funds each year to the Maryland Legal
5 Services Corporation Fund; and generally relating to Maryland Legal Services
6 Corporation funding.

7 BY repealing and reenacting, with amendments,

8 Article – Commercial Law

9 Section 17–317

10 Annotated Code of Maryland

11 (2013 Replacement Volume and 2016 Supplement)

12 BY repealing and reenacting, without amendments,

13 Article – Human Services

14 Section 11–402

15 Annotated Code of Maryland

16 (2007 Volume and 2016 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Commercial Law**

20 17–317.

21 (a) (1) All funds received under this title, including the proceeds of the sale of
22 abandoned property under § 17–316 of this subtitle, shall be credited by the Administrator
23 to a special fund. The Administrator shall retain in the special fund at the end of each fiscal

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 year, from the proceeds received, an amount not to exceed \$50,000, from which sum the
2 Administrator shall pay any claim allowed under this title.

3 (2) After deducting all costs incurred in administering this title from the
4 remaining net funds the Administrator shall distribute ~~[\$1,500,000]~~ **\$3,000,000** to the
5 Maryland Legal Services Corporation Fund established under § 11–402 of the Human
6 Services Article.

7 (3) (i) Subject to subparagraph (ii) of this paragraph, the Administrator
8 shall distribute all unclaimed money from judgments of restitution under Title 11, Subtitle
9 6 of the Criminal Procedure Article to the State Victims of Crime Fund established under
10 § 11–916 of the Criminal Procedure Article to assist victims of crimes and delinquent acts
11 to protect the victims' rights as provided by law.

12 (ii) If a victim entitled to restitution that has been treated as
13 abandoned property under § 11–614 of the Criminal Procedure Article is located after the
14 money has been distributed under this paragraph, the Administrator shall reduce the next
15 distribution to the State Victims of Crime Fund by the amount recovered by the victim.

16 (4) After making the distributions required under paragraphs (2) and (3)
17 of this subsection, the Administrator shall distribute the remaining net funds not retained
18 under paragraph (1) of this subsection to the General Fund of the State.

19 (b) Before making the distribution, the Administrator shall record the name and
20 last known address, if any, of the owners of funds so distributed and the type of property
21 which the funds distributed represent. The record shall be available for public inspection
22 during reasonable business hours by any person who claims a legal interest in any property
23 held by the Administrator, provided that the person gives prior notice to the Administrator.

24 Article – Human Services

25 11–402.

26 (a) There is a Maryland Legal Services Corporation Fund.

27 (b) The Administrative Office of the Courts shall administer the Fund.

28 (c) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the
29 State Finance and Procurement Article.

30 (d) The Fund consists of:

31 (1) money deposited to the Fund from the surcharge assessed in civil cases
32 under §§ 7–202 and 7–301 of the Courts Article;

33 (2) money distributed to the Fund under § 17–317 of the Commercial Law
34 Article;

1 (3) interest on attorney trust accounts paid to the Fund under § 10–303 of
2 the Business Occupations and Professions Article; and

3 (4) investment earnings of the Fund.

4 (e) The Corporation shall use the Fund to provide funding for civil legal services
5 to indigents under this title.

6 (f) The Treasurer shall:

7 (1) invest and reinvest the Fund in the same manner as other State funds;
8 and

9 (2) credit any investment earnings to the Fund and may not charge interest
10 against the Fund if the average daily net cash balance for the month is less than zero.

11 (g) Expenditures from the Fund shall be made in accordance with an
12 appropriation requested by the Judicial Branch of the State government under § 7–108 of
13 the State Finance and Procurement Article and approved by the General Assembly in the
14 State budget or by the budget amendment procedure under § 7–208.1 of the State Finance
15 and Procurement Article.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
17 1, 2017.