

SENATE BILL 64

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SB 32/14 – JPR

5lr1263
CF HB 54

By: **Chair, Judicial Proceedings Committee (By Request – Maryland Judicial Conference)**

Introduced and read first time: January 23, 2015

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Circuit Court Real Property Records Improvement Fund – Funding**

3 FOR the purpose of requiring the State Court Administrator to assess a certain surcharge
4 on certain fees, charges, and costs in certain cases in the Court of Appeals, Court of
5 Special Appeals, and circuit courts; requiring the Chief Judge of the District Court
6 to assess a certain surcharge in certain cases; requiring the surcharges to be
7 deposited in the Circuit Court Real Property Records Improvement Fund; and
8 generally relating to the Circuit Court Real Property Records Improvement Fund.

9 BY repealing and reenacting, with amendments,
10 Article – Courts and Judicial Proceedings
11 Section 7–102, 7–202(e) and (f), 7–301(c), and 13–603(a)
12 Annotated Code of Maryland
13 (2013 Replacement Volume and 2014 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – Courts and Judicial Proceedings
16 Section 7–202(d) and 13–603(c)
17 Annotated Code of Maryland
18 (2013 Replacement Volume and 2014 Supplement)

19 BY adding to
20 Article – Courts and Judicial Proceedings
21 Section 7–202(e)
22 Annotated Code of Maryland
23 (2013 Replacement Volume and 2014 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
25 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Courts and Judicial Proceedings

7–102.

(A) The State Court Administrator shall determine the amount of fees to be charged by the Clerk of the Court of Appeals and the Clerk of the Court of Special Appeals, with the approval of the Board of Public Works.

(B) THE STATE COURT ADMINISTRATOR, AS PART OF THE ADMINISTRATOR’S DETERMINATION OF THE AMOUNT OF FEES TO BE CHARGED BY THE CLERK OF THE COURT OF APPEALS AND THE CLERK OF THE COURT OF SPECIAL APPEALS, SHALL ASSESS A SURCHARGE THAT SHALL BE:

(1) \$11 PER CASE; AND

(2) DEPOSITED INTO THE CIRCUIT COURT REAL PROPERTY RECORDS IMPROVEMENT FUND ESTABLISHED UNDER § 13–602 OF THIS ARTICLE.

7–202.

(d) The State Court Administrator, as part of the Administrator’s determination of the amount of court costs and charges in civil cases, shall assess a surcharge that:

(1) May not be more than \$55 per case; and

(2) Shall be deposited into the Maryland Legal Services Corporation Fund established under § 11–402 of the Human Services Article.

(E) (1) IN ADDITION TO THE SURCHARGE ASSESSED UNDER SUBSECTION (D) OF THIS SECTION, THE STATE COURT ADMINISTRATOR, AS PART OF THE ADMINISTRATOR’S DETERMINATION OF THE AMOUNT OF COURT COSTS AND CHARGES IN CIVIL CASES, SHALL ASSESS A SURCHARGE THAT:

(I) 1. EXCEPT AS PROVIDED IN ITEM 2 OF THIS ITEM, SHALL BE \$30 PER CASE; AND

2. EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, SHALL BE \$6 TO REOPEN ANY CIVIL CASE; AND

(II) SHALL BE DEPOSITED INTO THE CIRCUIT COURT REAL PROPERTY RECORDS IMPROVEMENT FUND ESTABLISHED UNDER § 13–602 OF THIS ARTICLE.

1 **(2) A SURCHARGE MAY NOT BE ASSESSED UNDER THIS SUBSECTION**
2 **TO REOPEN A CASE BROUGHT BY A PETITIONER UNDER TITLE 4, SUBTITLE 5 OF THE**
3 **FAMILY LAW ARTICLE.**

4 **[(e)] (F)** The State Court Administrator shall:

5 (1) Assess a \$100 fee for the special admission of an out-of-state attorney
6 under § 10-215 of the Business Occupations and Professions Article; and

7 (2) Pay \$75 of the fee to the Janet L. Hoffman Loan Assistance Repayment
8 Program established under § 18-1502 of the Education Article.

9 **[(f)] (G)** If a party in a proceeding feels aggrieved by any fee permitted under
10 this subtitle or by §§ 3-601 through 3-603 of the Real Property Article, the party may
11 request a judge of that circuit court to determine the reasonableness of the fee.

12 7-301.

13 (c) (1) The filing fees and costs in a civil case are those prescribed by law
14 subject to modification by law, rule, or administrative regulation.

15 (2) The Chief Judge of the District Court shall assess a surcharge that:

16 (i) May not be more than:

17 1. \$8 per summary ejectment case; and

18 2. \$18 per case for all other civil cases; and

19 (ii) Shall be deposited into the Maryland Legal Services Corporation
20 Fund established under § 11-402 of the Human Services Article.

21 (3) (i) In addition to the surcharge assessed under paragraph (2) of this
22 subsection, the Chief Judge of the District Court shall assess a surcharge that may not be
23 more than \$10 per case for the following cases filed in Baltimore City:

24 1. Summary ejectment;

25 2. Tenant holding over;

26 3. Breach of lease; and

27 4. Warrant of restitution.

28 (ii) The revenue generated from the surcharge on filing fees collected
29 by the District Court in Baltimore City under subparagraph (i) of this paragraph shall be:

1 1. Remitted quarterly to the Baltimore City Director of
2 Finance; and

3 2. Used to fund the enhancement of sheriff benefits and the
4 increase in sheriff personnel to enhance the service of domestic violence orders.

5 **(4) IN ADDITION TO THE SURCHARGE ASSESSED UNDER PARAGRAPHS**
6 **(2) AND (3) OF THIS SUBSECTION, THE CHIEF JUDGE OF THE DISTRICT COURT**
7 **SHALL ASSESS A SURCHARGE THAT:**

8 **(I) MAY NOT BE MORE THAN:**

9 1. **\$3 PER SUMMARY EJECTMENT CASE; AND**

10 2. **\$8 PER CASE FOR ALL OTHER CIVIL CASES; AND**

11 **(II) SHALL BE DEPOSITED INTO THE CIRCUIT COURT REAL**
12 **PROPERTY RECORDS IMPROVEMENT FUND ESTABLISHED UNDER § 13-602 OF THIS**
13 **ARTICLE.**

14 **[(4)] (5)** The Court of Appeals may provide by rule for waiver of
15 prepayment of filing fees and other costs in cases of indigency.

16 13-603.

17 (a) The Fund consists of:

18 (1) Surcharges collected under **[§ 13-604] §§ 7-102(B), 7-202(E), AND**
19 **7-301(C)(4) OF THIS ARTICLE AND § 13-604** of this subtitle; and

20 (2) Revenues from copies made on equipment bought through the Fund.

21 (c) The Fund shall be used to pay:

22 (1) The operating expenses of the land records offices of the clerks of the
23 circuit courts and to repair, replace, improve, modernize, and update office equipment and
24 equipment related services in the land records office of the clerk of the circuit court for each
25 county, as the Administrator considers appropriate, with advice from the oversight
26 committee; and

27 (2) For major information technology development projects of the Judiciary
28 Department, as the Administrator considers appropriate.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
30 1, 2015.