
By: Delegate Slade

Introduced and read first time: February 2, 1996

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Circuit Courts - Efficiency and Fiscal Assistance**

3 FOR the purpose of providing for State reimbursements to the counties and Baltimore
4 City for the costs of courtroom security for the circuit court judges provided by the
5 sheriffs' offices under certain circumstances; making certain payments concerning
6 courtroom security subject to a certain contingency; providing certain limits on
7 certain reimbursements; providing for the creation and funding of certain State
8 standing master positions; providing certain procedures for the appointment of
9 certain masters; providing for the compensation and pensions of certain masters;
10 authorizing the Court of Appeals to adopt certain rules concerning certain State
11 standing masters; providing for State reimbursements to the counties and Baltimore
12 City for the costs of certain interpreter services and jurors' expenses under certain
13 circumstances; requiring the submission of certain reports of expenses to the
14 Administrative Office of the Courts; providing for certification by the
15 Administrative Office of the Courts of amounts due to the counties and Baltimore
16 City for certain expenses; placing certain limits on certain reimbursements for
17 certain expenses; requiring the inclusion of certain authorizations in the State
18 budget of the Judiciary Department of Maryland in and after Fiscal Year 1998;
19 requiring the Administrative Office of the Courts to file certain financial reports
20 with the Comptroller; providing for certain payments to the counties and Baltimore
21 City for the costs of the rental of courthouse space by the clerks of the circuit courts
22 under certain circumstances in and after Fiscal Year 1998; deleting a certain
23 obsolete provision; defining a certain term; clarifying language; providing for the
24 effective dates of this Act; providing for the construction of this Act; and generally
25 relating to certain State standing masters, rental of certain courthouse space by the
26 State, and certain reimbursements by the State to the counties and Baltimore City
27 for certain expenses related to the circuit courts.

28 BY adding to

29 Article - Courts and Judicial Proceedings
30 Section 2-312, 2-510, 2-511, and 2-512
31 Annotated Code of Maryland
32 (1995 Replacement Volume and 1995 Supplement)

33 BY repealing and reenacting, with amendments,

34 Article - Courts and Judicial Proceedings

2

1 Section 8-106
2 Annotated Code of Maryland
3 (1995 Replacement Volume and 1995 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article - State Personnel and Pensions
6 Section 23-201(a)(2)
7 Annotated Code of Maryland
8 (1994 Volume and 1995 Supplement)

9 BY repealing and reenacting, with amendments,
10 Article - Courts and Judicial Proceedings
11 Section 8-106(b)(14)
12 Annotated Code of Maryland
13 (1995 Replacement Volume and 1995 Supplement)
14 (As enacted by Chapter 155 of the Acts of the General Assembly of 1993)

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

17 **Article - Courts and Judicial Proceedings**

18 2-312.

19 (A) EACH COUNTY SHALL SEND AN ANNUAL REPORT TO THE
20 ADMINISTRATIVE OFFICE OF THE COURTS THAT CONTAINS A REQUEST FOR
21 REIMBURSEMENT FOR THE AMOUNT THAT THE COUNTY PAID TO ITS SHERIFF'S
22 OFFICE ATTRIBUTABLE TO THE COST OF COURTROOM SECURITY PROVIDED BY THE
23 SHERIFF'S OFFICE FOR THE COURTROOM OF EACH CIRCUIT COURT JUDGE IN THE
24 COUNTY.

25 (B) (1) ON RECEIPT OF A REPORT DESCRIBED IN THIS SECTION, THE
26 ADMINISTRATIVE OFFICE OF THE COURTS SHALL VERIFY THE PROPER LEVEL AND
27 USE OF REIMBURSABLE COURTROOM SECURITY FOR EACH CIRCUIT COURT JUDGE
28 IN THE COUNTY AND SHALL CERTIFY TO THE COMPTROLLER THE AMOUNT, BASED
29 UPON THAT VERIFICATION, DUE TO A COUNTY FOR REIMBURSEMENT OF THE COST
30 OF COURTHOUSE SECURITY PROVIDED BY THE SHERIFF'S OFFICE FOR THE
31 COUNTY.

32 (2) THE AMOUNT CERTIFIED UNDER PARAGRAPH (1) OF THIS
33 SUBSECTION MAY NOT EXCEED \$25,000 FOR ANY CIRCUIT COURT JUDGE'S
34 COURTROOM SECURITY.

35 (C) IN AND AFTER FISCAL YEAR 1998, THERE SHALL BE INCLUDED IN THE
36 STATE BUDGET FOR THE JUDICIARY DEPARTMENT OF MARYLAND AN
37 AUTHORIZATION TO THE ADMINISTRATIVE OFFICE OF THE COURTS IN THE TOTAL
38 AMOUNT OF THE REIMBURSEMENT DUE TO THE COUNTIES, AS CERTIFIED TO THE
39 COMPTROLLER, UNDER THIS SECTION.

1 (D) (1) THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL DISTRIBUTE
2 THE AMOUNT APPROPRIATED TO IT UNDER THIS SECTION TO THE COUNTIES ON A
3 YEARLY BASIS IN ACCORDANCE WITH THE AMOUNT OF REIMBURSEMENT DUE TO
4 THE COUNTIES FOR THEIR RESPECTIVE COSTS FOR SHERIFFS' COURTHOUSE
5 SECURITY FUNCTIONS.

6 (2) THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL FILE AN
7 ANNUAL FINANCIAL REPORT WITH THE COMPTROLLER THAT CONTAINS THE
8 AMOUNTS DISTRIBUTED TO EACH COUNTY UNDER THIS SECTION.

9 2-510.

10 (A) IN THE CIRCUIT COURTS IN EACH COUNTY AND BALTIMORE CITY THERE
11 SHALL BE THE NUMBER OF FULL-TIME STATE STANDING MASTERS SET FORTH
12 BELOW:

- 13 (1) ALLEGANY0
- 14 (2) ANNE ARUNDEL0
- 15 (3) BALTIMORE CITY0
- 16 (4) BALTIMORE COUNTY0
- 17 (5) CALVERT0
- 18 (6) CAROLINE0
- 19 (7) CARROLL0
- 20 (8) CHARLES0
- 21 (9) CECIL0
- 22 (10) DORCHESTER0
- 23 (11) FREDERICK0
- 24 (12) GARRETT0
- 25 (13) HARFORD0
- 26 (14) HOWARD0
- 27 (15) KENT0
- 28 (16) MONTGOMERY0
- 29 (17) PRINCE GEORGE'S0
- 30 (18) QUEEN ANNE'S0
- 31 (19) ST. MARY'S0
- 32 (20) SOMERSET0

4

1 (21) TALBOT0

2 (22) WASHINGTON0

3 (23) WICOMICO0

4 (24) WORCESTER0

5 (B) STATE STANDING MASTERS SHALL BE APPOINTED BY THE CIRCUIT
6 ADMINISTRATIVE JUDGE OF A JUDICIAL CIRCUIT IN CONSULTATION WITH THE
7 ADMINISTRATIVE OFFICE OF THE COURTS.

8 (C) STATE STANDING MASTERS APPOINTED UNDER THIS SECTION SHALL:

9 (1) REPORT TO AND PERFORM THE DUTIES AND THE ASSIGNMENTS
10 DETERMINED BY THE CIRCUIT ADMINISTRATIVE JUDGE OF A JUDICIAL CIRCUIT;
11 AND

12 (2) BE OFFICERS OF THE STATE.

13 (D) THE COMPENSATION OF STATE STANDING MASTERS SHALL:

14 (1) BE UNIFORM THROUGHOUT THE STATE;

15 (2) BE DETERMINED BY THE ADMINISTRATIVE OFFICE OF THE COURTS;
16 AND

17 (3) BE INCLUDED IN THE STATE BUDGET FOR THE JUDICIARY
18 DEPARTMENT OF MARYLAND IN AND AFTER FISCAL YEAR 1998.

19 (E) THIS SECTION DOES NOT REQUIRE A CURRENT POSITION OF STANDING
20 MASTER TO BE CONVERTED TO A STATE STANDING MASTER.

21 (F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
22 STATE STANDING MASTERS SHALL BE MEMBERS OF THE STATE EMPLOYEES'
23 PENSION SYSTEM.

24 (2) THIS SUBSECTION SHALL NOT ALTER AN EXISTING PENSION, OR
25 EXISTING RIGHTS UNDER A PENSION SYSTEM OTHER THAN THE STATE EMPLOYEES'
26 PENSION SYSTEM, OF ANY CURRENT STANDING MASTER WHO IS CONVERTED TO A
27 STATE STANDING MASTER POSITION.

28 (G) (1) STATE STANDING MASTERS SHALL PERFORM THEIR ASSIGNED
29 DUTIES AND RESPONSIBILITIES ON A FULL-TIME BASIS.

30 (2) THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL DETERMINE
31 WHETHER OUTSIDE EMPLOYMENT IS PERMISSIBLE FOR STATE STANDING MASTERS,
32 AND THE EXTENT TO WHICH IT MAY BE PERMISSIBLE.

33 (H) AN INDIVIDUAL WHO ASSISTS A STATE STANDING MASTER APPOINTED
34 UNDER THIS SECTION SHALL BE AN EMPLOYEE OF THE CIRCUIT COURT IN WHICH
35 THE INDIVIDUAL PROVIDES ASSISTANCE AND MAY NOT BE CONSIDERED AN
36 EMPLOYEE OF THE STATE.

5

1 (I) THE COURT OF APPEALS MAY ADOPT RULES CONCERNING THE STATE
2 STANDING MASTER POSITIONS DESCRIBED IN THIS SECTION.

3 2-511.

4 (A) EACH COUNTY SHALL SEND AN ANNUAL REPORT TO THE
5 ADMINISTRATIVE OFFICE OF THE COURTS THAT CONTAINS THE NUMBER OF
6 INTERPRETER HOURS USED IN THE CIRCUIT COURT FOR THAT COUNTY, THE RATE
7 PAID TO THE INTERPRETERS, AND A REQUEST FOR REIMBURSEMENT FOR THE
8 AMOUNT THAT THE COUNTY PAID TO PROVIDE INTERPRETER SERVICES REQUIRED
9 TO BE PROVIDED BY FEDERAL OR STATE LAW IN A CIRCUIT COURT PROCEEDING.

10 (B) (1) ON RECEIPT OF A REPORT DESCRIBED IN THIS SECTION, THE
11 ADMINISTRATIVE OFFICE OF THE COURTS SHALL CERTIFY TO THE COMPTROLLER
12 THE AMOUNT DUE TO A COUNTY FOR REIMBURSEMENT OF THE COST OF
13 INTERPRETER SERVICES REQUIRED TO BE PROVIDED BY FEDERAL OR STATE LAW
14 IN A COURT PROCEEDING.

15 (2) THE ADMINISTRATIVE OFFICE OF THE COURTS MAY NOT CERTIFY
16 AN AMOUNT DUE FOR REIMBURSEMENT WHICH, WHEN APPLIED TO TOTAL
17 INTERPRETER HOURS USED IN THE CIRCUIT COURT FOR THE COUNTY, EXCEEDS \$25
18 PER HOUR.

19 (C) IN AND AFTER FISCAL YEAR 1998, THERE SHALL BE INCLUDED IN THE
20 STATE BUDGET FOR THE JUDICIARY DEPARTMENT OF MARYLAND AN
21 AUTHORIZATION TO THE ADMINISTRATIVE OFFICE OF THE COURTS IN THE TOTAL
22 AMOUNT OF THE REIMBURSEMENT DUE TO THE COUNTIES, AS CERTIFIED TO THE
23 COMPTROLLER, UNDER THIS SECTION.

24 (D) (1) THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL DISTRIBUTE
25 THE AMOUNT APPROPRIATED TO IT UNDER THIS SECTION TO THE COUNTIES ON A
26 YEARLY BASIS IN ACCORDANCE WITH THE AMOUNT OF REIMBURSEMENT DUE TO
27 THE COUNTIES FOR THEIR RESPECTIVE PAYMENTS FOR INTERPRETER SERVICES
28 DESCRIBED IN THIS SECTION.

29 (2) THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL FILE AN
30 ANNUAL FINANCIAL REPORT WITH THE COMPTROLLER THAT CONTAINS THE
31 AMOUNTS DISTRIBUTED TO EACH COUNTY UNDER THIS SECTION.

32 2-512.

33 (A) IN AND AFTER FISCAL YEAR 1998, THE STATE SHALL PAY TO THE
34 COUNTIES AND BALTIMORE CITY THE COSTS OF RENTAL OF SPACE IN COUNTY OR
35 CITY FACILITIES BY THE CLERKS OF THE CIRCUIT COURTS.

36 (B) THE DEPARTMENT OF GENERAL SERVICES SHALL NEGOTIATE AN
37 APPROPRIATE RENT WITH THE COUNTIES AND BALTIMORE CITY, PROVIDED THAT
38 THIS RENT SHALL NOT EXCEED \$10 PER NET USABLE SQUARE FOOT.

39 (C) AN AGREEMENT BETWEEN THE STATE AND THE POLITICAL
40 SUBDIVISIONS UNDER THIS SECTION MAY NOT INCLUDE ANY PROVISION FOR THE
41 SEPARATE REIMBURSEMENT OF MAINTENANCE AND UTILITY COSTS.

1 (D) THE SECRETARY OF THE DEPARTMENT OF GENERAL SERVICES SHALL
2 SUBMIT EACH PROPOSED RENT AGREEMENT NEGOTIATED UNDER THIS SECTION TO
3 THE BOARD OF PUBLIC WORKS FOR FINAL APPROVAL.

4 8-106.

5 (a) (1) [As used in this section, unless otherwise indicated, "mileage] IN THIS
6 SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

7 (2) "MILEAGE allowance" means the rate for each mile or fraction of a mile
8 over five miles actually traveled by a juror going to and from court each day over the
9 shortest practicable route.

10 (3) "DAY" MEANS THE LENGTH OF TIME IN ANY 24-HOUR PERIOD
11 DURING WHICH A JUROR IS REQUIRED TO BE IN ATTENDANCE AT OR IN PROXIMITY
12 TO THE COURT IN WHICH THE JUROR HAS BEEN CALLED AS A JUROR.

13 (b) A juror shall receive the per diem amount stated in this [section]
14 SUBSECTION for each day the juror attends court as a juror in:

15 (1) Allegany County--\$15 expense money; IN ADDITION, a juror who
16 resides outside the corporate limits of Cumberland shall receive 12 cents per mile or
17 fraction of a mile actually traveled going to and from court each day over the shortest
18 practicable route.

19 (2) Anne Arundel County--\$15 expense money.

20 (3) Baltimore City--\$10 expense money; no mileage allowance, noovertime.

21 (4) Baltimore County--THE GREATER OF \$15 EXPENSE MONEY OR the
22 expense money as set by the judges of the Circuit Court of Baltimore County.

23 (5) Calvert County--\$20 expense money plus an additional \$5 expense
24 money if [his] THE JUROR'S service extends past 6:00 p.m. and a second additional \$5 if
25 [his] THE JUROR'S service extends past 9:00 p.m. on any day.

26 (6) Caroline County--\$15 expense money; IN ADDITION, A mileage
27 allowance in accordance with the Standard State Travel Regulations; no overtime.

28 (7) Carroll County--\$15 expense money.

29 (8) Cecil County--\$20 expense money; IN ADDITION, A 15 cents mileage
30 allowance[. If] AND, IF a juror's service extends past 6:00 p.m. on anyday, [he] THE
31 JUROR shall receive an additional [day's pay] \$20.

32 (9) Charles County--\$15 expense money plus an additional \$5 expense
33 money if [his] THE JUROR'S service extends past 6:00 p.m. and a second additional \$5 if
34 [his] THE JUROR'S service extends past 9:00 p.m. on any day.

35 (10) Dorchester County--\$15 expense money.

36 (11) Frederick County--\$20 expense money.

37 (12) Garrett County--\$15 expense money; IN ADDITION, A mileage
38 allowance at the standard county rate[.]; no overtime.

7

1 (13) Harford County--\$20 expense money plus additional expense money as
2 set by the County Council.

3 (14) Howard County--\$20 expense money; no mileage allowance.

4 (15) Kent County--\$15 expense money; IN ADDITION, A 15 cents mileage
5 allowance[. If] AND, IF a juror's service extends past 6:00 p.m. on anyday, [he] THE
6 JUROR shall receive an additional [day's pay] \$15.

7 (16) Montgomery County--\$15 expense money [plus an]; AN additional \$5
8 expense money if the juror's service extends past 6:00 p.m. ON ANY DAY.

9 (17) Prince George's County--

10 (i) \$20 expense money [plus an]; AN additional \$6 expense money if
11 the juror's service extends past 6:00 p.m. and a second additional \$6 if the juror's service
12 extends past 9:00 p.m. on any day; AND

13 (ii) An additional \$6 if a grand juror provides the jury commissioner an
14 affidavit evidencing income lost as a direct result of grand jury duties.

15 (18) Queen Anne's County--\$15 expense money; IN ADDITION, A mileage
16 allowance as set by the County Commissioners[;] AND, if a juror's service extends past
17 6:00 p.m. on any day, the juror shall receive an additional \$15 expense money.

18 (19) St. Mary's County--\$15 expense money [plus an]; AN additional \$5
19 expense money if [his] THE JUROR'S service extends past 6:00 p.m. and a second
20 additional \$5 if [his] THE JUROR'S service extends past 9:00 p.m. on any day.

21 (20) Somerset County--\$15 expense money; no mileage allowance; no
22 overtime. If a juror resides on Smith Island, the juror shall receive \$10 travel allowance.

23 (21) Talbot County--\$15 EXPENSE MONEY; no mileage allowance; no
24 overtime.

25 (22) Washington County--\$15 expense money [, plus an]; AN additional \$5
26 expense money if [his] THE JUROR'S service extends past 6:00 p.m.[.] ON ANY DAY
27 AND A mileage allowance as set by the County Commissioners.

28 (23) Wicomico County--\$15 expense money; no mileage allowance.

29 (24) Worcester County--\$15 expense money; IN ADDITION, A mileage
30 allowance as set by the County Commissioners.

31 (c) The government of each county shall levy each year a sum sufficient to pay
32 jurors the amounts due them.

33 [(d) A juror's compensation or expense money may not be less than the amount
34 provided on July 1, 1969, by the county in which the juror serves.]

35 (D) (1) (I) EACH YEAR THE JURY COMMISSIONER IN EACH COUNTY
36 SHALL SEND A REPORT TO THE ADMINISTRATIVE OFFICE OF THE COURTS THAT
37 CONTAINS THE NUMBER OF JURORS ELIGIBLE TO BE PAID EXPENSE MONEY, THE
38 NUMBER OF DAYS SERVED BY EACH JUROR, THE AMOUNT PAID TO EACH JUROR,

8
1 AND A REQUEST FOR REIMBURSEMENT FOR THE AMOUNT THAT THE COUNTY PAID
2 TO JURORS FOR EXPENSE MONEY.

3 (II) A COUNTY MAY NOT REQUEST REIMBURSEMENT FOR:

4 1. MORE THAN \$10 EXPENSE MONEY PAID ON ANY DAY TO A
5 JUROR; OR

6 2. ANY OTHER PAYMENT OR MILEAGE PAID TO A JUROR.

7 (2) ON RECEIPT OF A REPORT DESCRIBED IN THIS SUBSECTION, THE
8 ADMINISTRATIVE OFFICE OF THE COURTS SHALL CERTIFY TO THE COMPTROLLER
9 THE AMOUNT DUE TO A COUNTY FOR REIMBURSEMENT OF JURORS' EXPENSE
10 MONEY.

11 (3) IN AND AFTER FISCAL YEAR 1998, HERE SHALL BE INCLUDED IN THE
12 STATE BUDGET FOR THE JUDICIARY DEPARTMENT OF MARYLAND AN
13 AUTHORIZATION TO THE ADMINISTRATIVE OFFICE OF THE COURTS IN THE TOTAL
14 AMOUNT OF THE REIMBURSEMENT DUE TO THE COUNTIES, AS CERTIFIED TO THE
15 COMPTROLLER, UNDER THIS SUBSECTION.

16 (4) (I) THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL
17 DISTRIBUTE THE AMOUNT APPROPRIATED TO IT UNDER THIS SUBSECTION TO THE
18 COUNTIES ON A YEARLY BASIS IN ACCORDANCE WITH THE AMOUNT OF
19 REIMBURSEMENT DUE TO THE COUNTIES FOR THEIR RESPECTIVE PAYMENTS OF
20 JURORS' EXPENSE MONEY.

21 (II) THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL FILE AN
22 ANNUAL FINANCIAL REPORT WITH THE COMPTROLLER THAT CONTAINS THE
23 AMOUNTS DISTRIBUTED TO EACH COUNTY UNDER THIS SUBSECTION.

24 (5) ANY AMOUNT THAT A COUNTY PAYS IN EXCESS OF \$10 EXPENSE
25 MONEY ON ANY DAY AND ANY OTHER PAYMENT OR MILEAGE THAT A COUNTY
26 PAYS TO A JUROR IS THE RESPONSIBILITY OF THE COUNTY.

27 **Article - State Personnel and Pensions**

28 23-201.

29 (a) Except as provided in subsection (b) of this section, §§ 23-202 through 23-205
30 of this subtitle apply only to:

31 (2) an appointed or elected official of the State, including:

32 (i) a clerk of the circuit court;

33 (ii) a register of wills;

34 (iii) a State's Attorney; [and]

35 (iv) a sheriff; AND

36 (V) A STATE STANDING MASTER;

9

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
2 read as follows:

3 **Article - Courts and Judicial Proceedings**

4 8-106.

5 (b) A juror shall receive the per diem amount stated in this section for each day
6 the juror attends court as a juror in:

7 (14) Howard County--\$10 expense money [plus an]; AN additional \$10
8 expense money if the service of the juror extends past 1:00 p.m. ON ANYDAY.

9 SECTION 3. AND BE IT FURTHER ENACTED, That § 2-312 of the Courts and
10 Judicial Proceedings Article as enacted by this Act shall take effect July 1, 1997,
11 contingent on the Secretary of Budget and Fiscal Planning certifying to the Governor, the
12 General Assembly, and the Department of Legislative Reference that the fiscal condition
13 of the State permits the State to reimburse the counties for the amounts paid to the
14 sheriffs' offices attributable to the cost of courtroom security provided by the sheriffs'
15 offices for the circuit courts.

16 SECTION 4. AND BE IT FURTHER ENACTED, That §§ 2-511 and 8-106 of the
17 Courts and Judicial Proceedings Article as enacted by this Act shall take effect January 1,
18 1997.

19 SECTION 5. AND BE IT FURTHER ENACTED, That this Act may not be
20 construed to have any effect on the termination provisions contained in Chapter 155 of
21 the Acts of 1993, as amended by Chapter 37 of the Acts of 1994.

22 SECTION 6. AND BE IT FURTHER ENACTED, That, subject to the provisions
23 of Sections 3 and 4 of this Act, this Act shall take effect July 1, 1996.