

HOUSE BILL 190

E2

3lr1495

By: **Delegates Mitchell, Clippinger, Hubbard, and McDermott**

Introduced and read first time: January 21, 2013

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **District Court Electronic Citation Fund and Fee**

3 FOR the purpose of altering certain court costs in a District Court traffic case; altering
4 certain court costs in a District Court criminal case; requiring the Comptroller
5 to pay annually from certain court costs a certain amount per case into the
6 District Court Electronic Citation Fund; requiring the Comptroller to pay
7 annually from certain court costs a certain amount per case to a certain
8 arresting agency for a certain purpose; establishing the District Court
9 Electronic Citation Fund; providing for the funding sources for the Fund;
10 providing that the Fund is a special, continuing, nonlapsing fund that is not
11 subject to a certain provision of law; requiring the State Treasurer to hold the
12 Fund separately and the Comptroller to account for the Fund; requiring that
13 the Fund be invested and reinvested in the same manner as other State funds;
14 providing that the Fund is subject to audit by the Office of Legislative Audits;
15 requiring the Clerk of the District Court to use the Fund for a certain purpose;
16 providing that this Act does not prohibit the Fund from receiving money from
17 any source; and generally relating to the District Court Electronic Citation
18 Fund and fee.

19 BY repealing and reenacting, with amendments,
20 Article – Courts and Judicial Proceedings
21 Section 7–301(a), (b), and (e)
22 Annotated Code of Maryland
23 (2006 Replacement Volume and 2012 Supplement)

24 BY adding to
25 Article – Criminal Procedure
26 Section 4–110
27 Annotated Code of Maryland
28 (2008 Replacement Volume and 2012 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Courts and Judicial Proceedings**

4 7–301.

5 (a) (1) Except as provided in paragraphs (2) and (3) of this subsection, the
6 court costs in a traffic case, including parking and impounding cases, cases under §
7 21–202.1, § 21–809, § 21–810, or § 24–111.3 of the Transportation Article in which
8 costs are imposed, and cases under § 10–112 of the Criminal Law Article in which
9 costs are imposed:

10 (i) Are [~~\$22.50~~] **\$27.50** plus the surcharge under subsection (f)
11 of this section; and

12 (ii) Shall also be applicable to those cases in which the
13 defendant elects to waive the defendant’s right to trial and pay the fine or penalty
14 deposit established by the Chief Judge of the District Court by administrative
15 regulation.

16 (2) In an uncontested case under § 21–202.1, § 21–809, § 21–810, or §
17 24–111.3 of the Transportation Article, an uncontested case under § 10–112 of the
18 Criminal Law Article, or an uncontested parking or impounding case in which the
19 fines are paid directly to a political subdivision or municipality, costs are \$2.00, which
20 costs shall be paid to and retained by the political subdivision or municipality.

21 (3) (i) In an uncontested case in which the fine is paid directly to
22 an agency of State government authorized by law to regulate parking of motor
23 vehicles, the court costs are \$2.00.

24 (ii) The fine and the costs under this paragraph shall be paid to
25 the agency, which shall receive and account for these funds as in all other cases
26 involving sums due the State through a State agency.

27 (b) (1) The court costs in a criminal case in which costs are imposed are
28 [~~\$22.50~~] **\$27.50**.

29 (2) The costs shall be in addition to any costs imposed in a criminal
30 case under the Criminal Injuries Compensation Act.

31 (e) The Comptroller shall annually pay from the court costs collected by the
32 District Court under subsections (a) and (b)(1) of this section:

33 (1) \$500,000 into the Criminal Injuries Compensation Fund
34 established under § 11–819 of the Criminal Procedure Article; [and]

1 (2) \$125,000 into the Victim and Witness Protection and Relocation
2 Fund established under § 11–905 of the Criminal Procedure Article;

3 (3) **\$3 PER CASE INTO THE DISTRICT COURT ELECTRONIC**
4 **CITATION FUND ESTABLISHED UNDER § 4–110 OF THE CRIMINAL PROCEDURE**
5 **ARTICLE; AND**

6 (4) **\$2 PER CASE TO THE ARRESTING LAW ENFORCEMENT AGENCY**
7 **TO DEFRAY EXPENSES RELATING TO THE ESTABLISHMENT AND MAINTENANCE**
8 **OF ELECTRONIC CITATIONS.**

9 **Article – Criminal Procedure**

10 **4–110.**

11 **(A) (1) THERE IS A DISTRICT COURT ELECTRONIC CITATION FUND.**

12 **(2) THE FUND CONSISTS OF:**

13 **(I) MONEY DISTRIBUTED TO THE FUND FROM THE COSTS**
14 **COLLECTED FROM DEFENDANTS UNDER § 7–301 OF THE COURTS ARTICLE;**

15 **(II) ANY INVESTMENT EARNINGS OR FEDERAL MATCHING**
16 **FUNDS RECEIVED BY THE STATE FOR ESTABLISHING AND MAINTAINING**
17 **ELECTRONIC CITATIONS; AND**

18 **(III) MONEY MADE AVAILABLE TO THE FUND FROM ANY**
19 **OTHER SOURCE.**

20 **(3) THE FUND IS A SPECIAL, CONTINUING, NONLAPSING FUND**
21 **THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT**
22 **ARTICLE.**

23 **(4) THE STATE TREASURER SHALL HOLD THE FUND**
24 **SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

25 **(5) THE STATE TREASURER SHALL INVEST AND REINVEST THE**
26 **MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE FUNDS.**

27 **(6) THE FUND IS SUBJECT TO AUDIT BY THE OFFICE OF**
28 **LEGISLATIVE AUDITS AS PROVIDED IN § 2–1220 OF THE STATE GOVERNMENT**
29 **ARTICLE.**

1 **(B) THE CLERK OF THE DISTRICT COURT SHALL USE THE FUND TO**
2 **PERFORM THE DUTIES REQUIRED BY THE COURT FOR ESTABLISHING AND**
3 **MAINTAINING ELECTRONIC CITATIONS.**

4 **(C) THIS SECTION DOES NOT PROHIBIT THE FUND FROM RECEIVING**
5 **MONEY FROM ANY SOURCE.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2013.