

HOUSE BILL 382

E2
HB 453/12 – JUD

3lr1925

By: **Delegate Niemann**

Introduced and read first time: January 25, 2013

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: February 19, 2013

CHAPTER _____

1 AN ACT concerning

2 **Courts and Judicial Proceedings – Criminal Injuries Compensation Fund –**
3 **Court Costs**

4 FOR the purpose of requiring the imposition of certain court costs if a defendant is
5 sentenced to probation before judgment for or pleads nolo contendere to a
6 certain crime or offense; and generally relating to court costs deposited into the
7 Criminal Injuries Compensation Fund.

8 BY repealing and reenacting, without amendments,
9 Article – Criminal Procedure
10 Section 11–819(a)
11 Annotated Code of Maryland
12 (2008 Replacement Volume and 2012 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Courts and Judicial Proceedings
15 Section 7–409(b), (c), and (d)
16 Annotated Code of Maryland
17 (2006 Replacement Volume and 2012 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article – Courts and Judicial Proceedings
20 Section 7–409(e) and (f)
21 Annotated Code of Maryland
22 (2006 Replacement Volume and 2012 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Criminal Procedure**

4 11–819.

5 (a) (1) There is a Criminal Injuries Compensation Fund.

6 (2) The Fund consists of:

7 (i) moneys distributed to the Fund from the additional court
8 costs collected from defendants under § 7–409 of the Courts Article;

9 (ii) any investment earnings or federal matching funds received
10 by the State for criminal injuries compensation; and

11 (iii) funds made available to the Fund from any other source.

12 (3) The Fund is a special continuing, nonlapsing fund that is not
13 subject to § 7–302 of the State Finance and Procurement Article.

14 (4) The Treasurer shall separately hold the Fund and the Comptroller
15 shall account for it.

16 (5) The Fund shall be invested and reinvested in the same manner as
17 other State funds.

18 (6) The Fund is subject to audit by the Office of Legislative Audits as
19 provided in § 2–1220 of the State Government Article.

20 **Article – Courts and Judicial Proceedings**

21 7–409.

22 (b) In addition to any other costs required by law, a circuit court shall impose
23 on a defendant [convicted of a crime] an additional cost of \$45 in [the] A case **IF THE**
24 **DEFENDANT:**

25 **(1) IS CONVICTED OF A CRIME;**

26 **(2) IS SENTENCED TO PROBATION BEFORE JUDGMENT FOR A**
27 **CRIME; OR**

28 **(3) PLEADS NOLO CONTENDERE TO A CRIME.**

1 (c) In addition to any other costs required by law, the District Court shall
2 impose on a defendant [convicted of a crime] an additional cost of \$35 in [the] A case
3 **IF THE DEFENDANT:**

4 (1) **IS CONVICTED OF A CRIME;**

5 (2) **IS SENTENCED TO PROBATION BEFORE JUDGMENT FOR A**
6 **CRIME; OR**

7 (3) **PLEADS NOLO CONTENDERE TO A CRIME.**

8 (d) In addition to any other costs required by law, a court shall impose on a
9 defendant [convicted of an offense] an additional cost of \$3 in [the] A case, including
10 cases in which the defendant elects to waive the right to trial and pay the fine or
11 penalty deposit established by the Chief Judge of the District Court by administrative
12 regulation, **IF THE DEFENDANT:**

13 (1) **IS CONVICTED OF AN OFFENSE;**

14 (2) **IS SENTENCED TO PROBATION BEFORE JUDGMENT FOR AN**
15 **OFFENSE; OR**

16 (3) **PLEADS NOLO CONTENDERE TO AN OFFENSE.**

17 (e) (1) All money collected under this section shall be paid to the
18 Comptroller of the State.

19 (2) The Comptroller shall deposit \$22.50 from each fee collected under
20 subsection (b) of this section from a circuit court and \$12.50 from each fee collected
21 under subsection (c) of this section from the District Court into the State Victims of
22 Crime Fund established under § 11–916 of the Criminal Procedure Article.

23 (3) The Comptroller shall deposit \$2.50 from each fee collected under
24 subsections (b) and (c) of this section into the Victim and Witness Protection and
25 Relocation Fund established under § 11–905 of the Criminal Procedure Article.

26 (4) The Comptroller shall deposit all other moneys collected under
27 subsections (b) and (c) of this section into the Criminal Injuries Compensation Fund
28 established under § 11–819 of the Criminal Procedure Article.

29 (f) (1) From the first \$500,000 in fees collected under subsection (d) of
30 this section in each fiscal year, the Comptroller shall deposit one–half of each fee into
31 the State Victims of Crime Fund and one–half of each fee into the Criminal Injuries
32 Compensation Fund.

1 (2) For fees collected under subsection (d) of this section in excess of
2 \$500,000 in each fiscal year, the Comptroller shall deposit the entire fee into the
3 Criminal Injuries Compensation Fund.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 July 1, 2013.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.