

SENATE BILL 846

D3

(3lr2764)

ENROLLED BILL

— *Judicial Proceedings/Environmental Matters* —

Introduced by **Senator Conway**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Courts – Baltimore City Sheriff and Fees for Filing and Service of Process**

3 FOR the purpose of altering the type of positions and the number of certain positions
4 to which the Baltimore City Sheriff may appoint employees; increasing a certain
5 annual expense allowance for certain deputy sheriffs; altering certain
6 surcharges on filing fees in the District Court in Baltimore City; requiring
7 certain revenue to be remitted quarterly to the Baltimore City Director of
8 Finance and used to fund the enhancement of sheriff benefits and the increase
9 in sheriff personnel for a certain purpose; authorizing the Sheriff to collect
10 certain surcharges on fees for certain types of service; requiring certain revenue
11 to be used to fund the enhancement of sheriff benefits and the increase in
12 sheriff personnel for a certain purpose; and generally relating to the Baltimore
13 City Sheriff and certain filing and service of process fees in Baltimore City.

14 BY repealing and reenacting, without amendments,

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.

Italics indicate opposite chamber/conference committee amendments.



1 Article – Courts and Judicial Proceedings
2 Section 2–309(a) and (a–1) and 7–402(b) and (e)
3 Annotated Code of Maryland
4 (2006 Replacement Volume and 2012 Supplement)

5 BY repealing and reenacting, with amendments,
6 Article – Courts and Judicial Proceedings
7 Section 2–309(d)(1), 7–301(c), and 7–402(a)
8 Annotated Code of Maryland
9 (2006 Replacement Volume and 2012 Supplement)

10 BY adding to
11 Article – Courts and Judicial Proceedings
12 Section 7–402(f)
13 Annotated Code of Maryland
14 (2006 Replacement Volume and 2012 Supplement)

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 2–309.

19 (a) The sheriff of a county and his deputies shall receive the annual salaries
20 provided by this section for performing the duties required of them by the Constitution
21 and the laws of this State. They shall be reimbursed for expenses as provided by law.

22 (a–1) The government of each county shall furnish an office for the sheriff and
23 pay the necessary expenses for telephones, stationery and for other purposes, and
24 unless otherwise provided by law, shall provide for the necessary traveling expenses of
25 the sheriff for conveying prisoners to any penal institution in the State and other
26 necessary traveling expenses.

27 (d) (1) (i) In Baltimore City, the Sheriff shall receive an expense
28 allowance of \$750 two times per year and a salary of:

- 29 1. \$79,300 in calendar year 2007;
- 30 2. \$84,600 in calendar year 2008;
- 31 3. \$89,900 in calendar year 2009;
- 32 4. \$95,200 in calendar year 2010; and

1 5. In calendar year 2011 and thereafter, no less than the
2 salary of a Command Staff 2 in the Baltimore City Police Department at the midpoint
3 in the pay scale.

4 (ii) The Sheriff:

5 1. Shall appoint an undersheriff or chief deputy sheriff,
6 one assistant sheriff, [two] **THREE** deputy sheriff majors, [two] **THREE** deputy sheriff
7 captains, [four] **SIX** deputy sheriff lieutenants, one secretary sheriff, and one fiscal
8 clerk sheriff; and

9 2. May appoint up to a maximum of:

10 A. [7] **9** deputy sheriff sergeants; [and]

11 B. [90] **103** deputy sheriffs;

12 C. **2 DOMESTIC VIOLENCE CLERKS; AND**

13 D. **2 DOMESTIC VIOLENCE ADVOCATES.**

14 (iii) 1. Except for deputy sheriffs, deputy sheriff sergeants,
15 and deputy sheriff lieutenants, salaries for these employees shall be set by the
16 Secretary of Budget and Management.

17 2. Salaries for deputy sheriffs shall be set at a rate not
18 less than the salary equivalent to grade 14 of the State pay scale.

19 3. Salaries for deputy sheriff sergeants shall be set at a
20 rate not less than the salary equivalent to grade 16 of the State pay scale.

21 4. Salaries for deputy sheriff lieutenants shall be set at a
22 rate not less than the salary equivalent to grade 18 of the State pay scale.

23 **~~5. EMPLOYEES IN A DEPUTY SHERIFF~~**
24 **~~CLASSIFICATION SHALL RECEIVE STEP INCREASES FOR EACH YEAR OF SERVICE~~**
25 **~~IN THE SHERIFF'S OFFICE.~~**

26 (iv) In addition to any other compensation received, each deputy
27 sheriff shall receive an expense allowance of [\\$200] ~~**\$500**~~ **\$400** annually for:

28 1. Ammunition for practice sessions at the range;

29 2. Clothing allowance to defray the cost of dry cleaning
30 and maintaining the clothing worn while on duty; and

1 **3. BREACH OF LEASE; AND**

2 **4. WARRANT OF RESTITUTION.**

3 **(II) THE REVENUE GENERATED FROM THE SURCHARGE ON**
4 **FILING FEES COLLECTED BY THE DISTRICT COURT IN BALTIMORE CITY UNDER**
5 **SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE:**

6 **1. REMITTED QUARTERLY TO THE BALTIMORE CITY**
7 **DIRECTOR OF FINANCE; AND**

8 **2. USED TO FUND THE ENHANCEMENT OF SHERIFF**
9 **BENEFITS AND THE INCREASE IN SHERIFF PERSONNEL TO ENHANCE THE**
10 **SERVICE OF DOMESTIC VIOLENCE ORDERS.**

11 **(4)** The Court of Appeals may provide by rule for waiver of
12 prepayment of filing fees and other costs in cases of indigency.

13 7-402.

14 (a) Except as provided in subsections (b), [and] (e), **AND (F)** of this section, a
15 sheriff shall collect the following fees:

16 (1) \$5 for service of summary ejectment papers.

17 (2) \$40 for service of a paper not including an execution or
18 attachment.

19 (3) \$40 for service including an execution or attachment by taking into
20 custody a person or seizing real or personal property.

21 (4) \$40 for service of process papers arising out of administrative
22 agency proceedings where the party requesting the service is a nongovernmental
23 entity.

24 (5) For the sale following the execution or attachment of personal
25 property: Three percent of the first \$5,000; two percent of the second \$5,000; and one
26 percent of any amount in excess of \$10,000. The sheriff shall collect a minimum of \$15
27 and a maximum of \$500 under the provisions of this paragraph.

28 (6) For the sale following the execution or attachment of real property:
29 One and one-half percent of the first \$5,000; one percent of the second \$5,000; and
30 one-half of one percent of any amount in excess of \$10,000. The sheriff shall collect a
31 minimum of \$1.50 and a maximum of \$250 under the provisions of this paragraph.

32 (7) \$60 for service of a paper originating from a foreign court.

1 (b) (1) For service including an execution or attachment by taking into
2 custody a person or seizing real or personal property, a sheriff may collect the amount
3 specified in a cooperative agreement with the Child Support Enforcement
4 Administration under § 10–111 of the Family Law Article.

5 (2) As part of the costs awarded to a party under § 12–103 of the
6 Family Law Article, a court may not award an amount greater than the amount
7 specified in subsection (a) of this section for the cost of service including an execution
8 or attachment by taking into custody a person or seizing real or personal property.

9 (e) A sheriff may not collect a fee for the service of:

10 (1) A paper from a housing authority created under Division II of the
11 Housing and Community Development Article; or

12 (2) A summons for a law enforcement officer to appear as a witness in
13 a criminal case.

14 **(F) (1) IN ADDITION TO THE FEES SPECIFIED IN SUBSECTION (A) OF**
15 **THIS SECTION AND EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (E) OF THIS**
16 **SECTION, THE BALTIMORE CITY SHERIFF SHALL COLLECT A SURCHARGE THAT**
17 **MAY NOT BE MORE THAN:**

18 **(I) \$60 FOR SERVICE OF A WRIT OF EXECUTION; AND**

19 **(II) \$40 FOR SERVICE OF A PAPER ORIGINATING FROM A**
20 **FOREIGN COURT.**

21 **(2) THE REVENUE GENERATED FROM THE SURCHARGE ON FILING**
22 **FEES FOR THE SHERIFF SERVICES UNDER PARAGRAPH (1) OF THIS SUBSECTION**
23 **SHALL FUND THE ENHANCEMENT OF SHERIFF BENEFITS AND THE INCREASE IN**
24 **SHERIFF PERSONNEL TO ENHANCE THE SERVICE OF DOMESTIC VIOLENCE**
25 **ORDERS.**

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