

HOUSE BILL 201

E2
HB 190/13 – JUD

4lr1661

By: **Delegates Mitchell, Cluster, and Valentino-Smith**

Introduced and read first time: January 16, 2014

Assigned to: Judiciary

A BILL ENTITLED

AN ACT concerning

District Court Electronic Citation Fund and Fee

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

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 7–301(a), (b), and (e)
Annotated Code of Maryland
(2013 Replacement Volume and 2013 Supplement)

BY adding to
Article – Criminal Procedure
Section 4–110
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

Article – Courts and Judicial Proceedings

7–301.

(a) (1) Except as provided in paragraphs (2) and (3) of this subsection, the court costs in a traffic case, including parking and impounding cases, cases under § 21–202.1, § 21–809, § 21–810, § 21–1414, or § 24–111.3 of the Transportation Article in which costs are imposed, and cases under § 10–112 of the Criminal Law Article in which costs are imposed:

(i) Are [~~\$22.50~~] **\$27.50**; and

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

(2) In an uncontested case under § 21–202.1, § 21–809, § 21–810, § 21–1414, or § 24–111.3 of the Transportation Article, an uncontested case under § 10–112 of the Criminal Law Article, or an uncontested parking or impounding case in which the fines are paid directly to a political subdivision or municipality, costs are \$2.00, which costs shall be paid to and retained by the political subdivision or municipality.

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

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

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

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

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

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

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

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

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

Article – Criminal Procedure

4-110.

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

(2) THE FUND CONSISTS OF:

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

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

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

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

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

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

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.