

# SENATE BILL 32

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(PRE-FILED)

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CF 4lr0874

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By: **Chair, Judicial Proceedings Committee (By Request – Maryland Judicial Conference)**

Requested: November 8, 2013

Introduced and read first time: January 8, 2014

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

AN ACT concerning

### **Circuit Court Real Property Records Improvement Fund – Funding**

FOR the purpose of requiring the State Court Administrator to assess a certain surcharge on certain fees, charges, and costs in certain cases in the Court of Appeals, Court of Special Appeals, and circuit courts; requiring the Chief Judge of the District Court to assess a certain surcharge in certain cases; requiring the surcharges to be deposited in the Circuit Court Real Property Records Improvement Fund; and generally relating to the Circuit Court Real Property Records Improvement Fund.

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 7–102, 7–202(e) and (f), 7–301(c), and 13–603(a)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,  
Article – Courts and Judicial Proceedings  
Section 7–202(d) and 13–603(c)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2013 Supplement)

BY adding to  
Article – Courts and Judicial Proceedings  
Section 7–202(e)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2013 Supplement)

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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**

7–102.

(A) The State Court Administrator shall determine the amount of fees to be charged by the Clerk of the Court of Appeals and the Clerk of the Court of Special Appeals, with the approval of the Board of Public Works.

**(B) THE STATE COURT ADMINISTRATOR, AS PART OF THE ADMINISTRATOR’S DETERMINATION OF THE AMOUNT OF FEES TO BE CHARGED BY THE CLERK OF THE COURT OF APPEALS AND THE CLERK OF THE COURT OF SPECIAL APPEALS, SHALL ASSESS A SURCHARGE THAT SHALL BE:**

**(1) \$11 PER CASE; AND**

**(2) DEPOSITED INTO THE CIRCUIT COURT REAL PROPERTY RECORDS IMPROVEMENT FUND ESTABLISHED UNDER § 13–602 OF THIS ARTICLE.**

7–202.

(d) The State Court Administrator, as part of the Administrator’s determination of the amount of court costs and charges in civil cases, shall assess a surcharge that:

(1) May not be more than \$55 per case; and

(2) Shall be deposited into the Maryland Legal Services Corporation Fund established under § 11–402 of the Human Services Article.

**(E) (1) IN ADDITION TO THE SURCHARGE ASSESSED UNDER SUBSECTION (D) OF THIS SECTION, THE STATE COURT ADMINISTRATOR, AS PART OF THE ADMINISTRATOR’S DETERMINATION OF THE AMOUNT OF COURT COSTS AND CHARGES IN CIVIL CASES, SHALL ASSESS A SURCHARGE THAT:**

**(I) 1. EXCEPT AS PROVIDED IN ITEM 2 OF THIS ITEM, SHALL BE \$30 PER CASE; AND**

**2. EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, SHALL BE \$6 TO REOPEN ANY CIVIL CASE; AND**

**(II) SHALL BE DEPOSITED INTO THE CIRCUIT COURT REAL PROPERTY RECORDS IMPROVEMENT FUND ESTABLISHED UNDER § 13-602 OF THIS ARTICLE.**

**(2) A SURCHARGE MAY NOT BE ASSESSED UNDER THIS SUBSECTION TO REOPEN A CASE BROUGHT BY A PETITIONER UNDER TITLE 4, SUBTITLE 5 OF THE FAMILY LAW ARTICLE.**

**[(e)] (F)** The State Court Administrator shall:

(1) Assess a \$100 fee for the special admission of an out-of-state attorney under § 10-215 of the Business Occupations and Professions Article; and

(2) Pay \$75 of the fee to the Janet L. Hoffman Loan Assistance Repayment Program established under § 18-1502 of the Education Article.

**[(f)] (G)** If a party in a proceeding feels aggrieved by any fee permitted under this subtitle or by §§ 3-601 through 3-603 of the Real Property Article, the party may request a judge of that circuit court to determine the reasonableness of the fee.

7-301.

(c) (1) The filing fees and costs in a civil case are those prescribed by law subject to modification by law, rule, or administrative regulation.

(2) The Chief Judge of the District Court shall assess a surcharge that:

(i) May not be more than:

1. \$8 per summary ejectment case; and

2. \$18 per case for all other civil cases; and

(ii) Shall be deposited into the Maryland Legal Services Corporation Fund established under § 11-402 of the Human Services Article.

(3) (i) In addition to the surcharge assessed under paragraph (2) of this subsection, the Chief Judge of the District Court shall assess a surcharge that may not be more than \$10 per case for the following cases filed in Baltimore City:

1. Summary ejectment;

2. Tenant holding over;

3. Breach of lease; and

## 4. Warrant of restitution.

(ii) The revenue generated from the surcharge on filing fees collected by the District Court in Baltimore City under subparagraph (i) of this paragraph shall be:

1. Remitted quarterly to the Baltimore City Director of Finance; and

2. Used to fund the enhancement of sheriff benefits and the increase in sheriff personnel to enhance the service of domestic violence orders.

**(4) IN ADDITION TO THE SURCHARGE ASSESSED UNDER PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ASSESS A SURCHARGE THAT:**

**(I) MAY NOT BE MORE THAN:**

**1. \$3 PER SUMMARY EJECTMENT CASE; AND**

**2. \$8 PER CASE FOR ALL OTHER CIVIL CASES; AND**

**(II) SHALL BE DEPOSITED INTO THE CIRCUIT COURT REAL PROPERTY RECORDS IMPROVEMENT FUND ESTABLISHED UNDER § 13-602 OF THIS ARTICLE.**

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

13-603.

(a) The Fund consists of:

(1) Surcharges collected under **[\$ 13-604] §§ 7-102(B), 7-202(E), AND 7-301(C)(4) OF THIS ARTICLE AND § 13-604** of this subtitle; and

(2) Revenues from copies made on equipment bought through the Fund.

(c) The Fund shall be used to pay:

(1) The operating expenses of the land records offices of the clerks of the circuit courts and to repair, replace, improve, modernize, and update office equipment and equipment related services in the land records office of the clerk of the

circuit court for each county, as the Administrator considers appropriate, with advice from the oversight committee; and

(2) For major information technology development projects of the Judiciary Department, as the Administrator considers appropriate.

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