

HOUSE BILL 1191

D1, D2

7lr2984
CF SB 378

By: **Delegates McComas, Buckel, Haynes, Malone, Miele, Sydnor, West, and
B. Wilson**

Introduced and read first time: February 9, 2017

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Clerk of Court – Prohibition Against Ruling**

3 FOR the purpose of prohibiting a clerk of a court from ruling on any motion or application;
4 and generally relating to a clerk of the court.

5 BY repealing and reenacting, with amendments,
6 Article – Courts and Judicial Proceedings
7 Section 2–201
8 Annotated Code of Maryland
9 (2013 Replacement Volume and 2016 Supplement)

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

12 **Article – Courts and Judicial Proceedings**

13 2–201.

14 (a) The clerk of a court shall:

15 (1) Have custody of the books, records, and papers of his office;

16 (2) Make proper legible entries of all proceedings of the court and keep
17 them in well-bound books or other permanent form;

18 (3) When requested in writing to do so, record any paper filed with his office
19 and required by law to be recorded in the appropriate place, whether or not the title to land
20 is involved;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (4) Unless prohibited by law or order of court, provide copies of records or
2 papers in his custody to a person requesting a copy, under the seal of the court if required;

3 (5) Issue all writs which may legally be issued from the court;

4 (6) Deliver a full statement of the costs of a suit to a party requesting a
5 copy;

6 (7) Receive all books, documents, public letters, and packages sent to him
7 pursuant to law, and carefully dispose of them as the law requires;

8 (8) Administer an oath;

9 (9) Replace worn books and records with new ones;

10 (10) In conjunction with the Motor Vehicle Administrator, establish uniform
11 procedures for reporting both traffic cases and criminal cases involving a motor vehicle in
12 the circuit court to the Motor Vehicle Administration; and

13 (11) Perform any other duty required by law or rule.

14 (b) Unless otherwise provided by law, a clerk is not required to record any paper
15 filed with him or to provide any person with a copy of a paper until the applicable charge
16 has been paid.

17 **(c) THE CLERK OF A COURT MAY NOT RULE ON ANY MOTION OR**
18 **APPLICATION.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2017.