

HOUSE BILL 744

D1

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By: **Delegate Dumais**

Introduced and read first time: January 29, 2021

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 27, 2021

CHAPTER _____

1 AN ACT concerning

2 **Courts – Counsel Appearance Fees – Domestic Violence**

3 FOR the purpose of prohibiting the clerk of a circuit court from collecting fees for docketing
4 the appearance of a petitioner's or a respondent's counsel in certain domestic violence
5 cases; and generally relating to counsel appearance fees in domestic violence actions.

6 BY repealing and reenacting, with amendments,
7 Article – Courts and Judicial Proceedings
8 Section 7–204
9 Annotated Code of Maryland
10 (2020 Replacement Volume)

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

13 **Article – Courts and Judicial Proceedings**

14 7–204.

15 (a) (1) Except in Montgomery County and except as provided in **SUBSECTION**
16 **(C) OF THIS SECTION, IN** paragraph (2) of this subsection for Baltimore County, in
17 paragraph (3) of this subsection for St. Mary's County, in paragraph (4) of this subsection
18 for Baltimore City, in paragraph (5) of this subsection for Harford County, in paragraph (6)
19 of this subsection for Carroll County, and in paragraph (7) of this subsection for Calvert
20 County, the clerk of each circuit court shall:

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 (i) Collect, in advance, a \$10 fee for docketing the appearance of
2 counsel when bringing or defending a civil action in the court;

3 (ii) Charge as costs a \$10 fee for docketing the appearance of counsel
4 when prosecuting or defending a criminal action in the court; and

5 (iii) Collect, in advance, a \$10 fee for docketing the appearance of
6 counsel when bringing or defending a case in the Court of Appeals.

7 (2) The Clerk of the Circuit Court for Baltimore County shall:

8 (i) Collect, in advance, the following fee for docketing the
9 appearance of counsel when bringing or defending a civil action:

10 1. A \$20 fee for an action, including the collection of money
11 due on mortgage, in a court of equity; and

12 2. A \$10 fee for an action at law in a court of original
13 jurisdiction;

14 (ii) Charge as costs the following fee for docketing the appearance of
15 counsel when bringing or defending a criminal action:

16 1. If the punishment for the offense charged is death or
17 confinement in the State penitentiary, a \$20 fee; and

18 2. For any other criminal action, a \$10 fee; and

19 (iii) Collect, in advance, a \$20 fee for docketing the appearance of
20 counsel when bringing or defending a case in the Court of Appeals.

21 (3) The Clerk of the Circuit Court for St. Mary's County shall collect, in
22 advance, a \$10 fee for docketing the appearance of counsel when bringing or defending a
23 civil action in the court.

24 (4) The Clerk of the Circuit Court for Baltimore City shall:

25 (i) Collect, in advance, a \$20 fee for docketing the appearance of
26 counsel when bringing or defending a civil action in the court;

27 (ii) Charge as costs the following fee for docketing the appearance of
28 counsel when bringing or defending a criminal action:

29 1. If the punishment for the offense charged is death or
30 confinement in the State penitentiary, a \$20 fee; and

1 **(C) A FEE MAY NOT BE COLLECTED UNDER THIS SECTION FOR DOCKETING**
2 **THE APPEARANCE OF A PETITIONER'S OR A RESPONDENT'S COUNSEL IN A CASE**
3 **FILED UNDER TITLE 4, SUBTITLE 5 OF THE FAMILY LAW ARTICLE.**

4 **[(c)] (D)** (1) The Clerk of the Circuit Court for Allegany County shall deposit
5 monthly all appearance fees collected by the Clerk under this section into a special account
6 to be known as the Allegany County Law Library Fund.

7 (2) The Fund shall be used only for the general use of the Circuit Court
8 Law Library for the acquisition of books and other publications, library equipment, and for
9 other necessary expenses, as determined by the County Administrative Judge.

10 **[(d)] (E)** (1) The Clerk of the Circuit Court for Anne Arundel County shall
11 transmit to the county all appearance fees collected by the Clerk under this section to be
12 used for the general purposes of the court library and assignment office and for the
13 maintenance and improvement of the court's facilities, equipment, and programs. These
14 purposes include, but are not limited to, the necessary expenses for books, legal
15 publications, library equipment, and the services of the library and other personnel.

16 (2) Expenditures for the library are not to be limited to this fund if the
17 same should be deemed insufficient by the County Administrative Judge.

18 **[(e)] (F)** (1) The Clerk of the Circuit Court for Baltimore City shall transmit
19 on a monthly basis all appearance fees collected by the Clerk under this section to the
20 Library Company of the Baltimore Bar to be used for the general purposes of the bar
21 library.

22 (2) The Library Company shall file an annual financial report with the
23 Director of the Administrative Office of the Circuit Court for Baltimore City and with the
24 Director of Finance of Baltimore City.

25 (3) Baltimore City and court employees may use the library in connection
26 with official duties without charge.

27 **[(f)] (G)** The Clerk of the Circuit Court for Baltimore County shall transmit to
28 the county all appearance fees collected by the Clerk under this section to be used for the
29 general purposes of the court library of the county. These purposes include the necessary
30 expenses for books and library equipment and the services of the librarian.

31 **[(g)] (H)** (1) The Clerk of the Circuit Court for Calvert County shall deposit
32 monthly all appearance fees collected by the Clerk under this section into a special account
33 to be known as the Calvert County Law Library Fund.

1 (2) The Fund shall be used for the general purposes of the court library and
2 assignment office and for the maintenance and improvement of the court's facilities,
3 equipment, and programs.

4 (3) The purposes specified under paragraph (2) of this subsection include
5 the acquisition of books, other publications, and library equipment, payment for services of
6 library and other personnel, and other necessary expenses, as determined by the County
7 Administrative Judge.

8 **[(h)] (I)** (1) The Clerk of the Circuit Court for Caroline County shall deposit
9 monthly all appearance fees collected by the Clerk under this section into a special account
10 to be known as the Law Library Fund.

11 (2) The Fund shall be used only for the law library of Caroline County upon
12 recommendation of the Caroline County Bar Association.

13 **[(i)] (J)** The Clerk of the Circuit Court for Carroll County shall retain all
14 appearance fees collected by the Clerk under this section for the general use of the court
15 library of the county, including expenses for books and library equipment.

16 **[(j)] (K)** The Clerk of the Circuit Court for Cecil County shall retain all
17 appearance fees collected by the Clerk under this section for the general use of the court
18 library of the county, including expenses for books and library equipment, and for other
19 charitable and educational purposes authorized under § 7-507 of this title or other
20 applicable law.

21 **[(k)] (L)** (1) The Clerk of the Circuit Court for Charles County shall deposit
22 monthly all appearance fees collected by the Clerk under this section into a special account
23 to be known as the Charles County Law Library Fund.

24 (2) The Fund shall be used only for the general use of the Circuit Court
25 Law Library for the acquisition of books and other publications, library equipment, and for
26 other necessary expenses, as determined by the County Administrative Judge.

27 **[(l)] (M)** The Clerk of the Circuit Court for Dorchester County shall deposit
28 monthly all appearance fees collected by the Clerk under this section into a special account
29 to be known as "the Court and Bar Library Account". The Account shall be for the general
30 use of the Court Library and for the maintenance and improvement of the court's facilities
31 and equipment, subject to the approval of the resident circuit court judge.

32 **[(m)] (N)** (1) The Clerk of the Circuit Court for Frederick County shall deposit
33 monthly all appearance fees collected by the Clerk under this section into a special account
34 to be known as the Frederick County Law Library Fund.

1 (2) The Fund shall be used only for the general use of the Circuit Court
2 Law Library for the acquisition of books and other publications, library equipment, and for
3 other necessary expenses, as determined by the County Administrative Judge.

4 **[(n)] (O)** (1) The Clerk of the Circuit Court for Garrett County shall deposit
5 monthly all appearance fees collected by the Clerk under this section into a special account
6 to be known as the Garrett County Law Library Fund.

7 (2) The Fund shall be used only for the acquisition of books and other
8 publications, library equipment, and for other necessary expenses, as determined by the
9 County Administrative Judge.

10 **[(o)] (P)** The Clerk of the Circuit Court for Harford County shall retain all
11 appearance fees collected by the Clerk under this section for the general use of the court
12 library of the county, including the necessary expenses for books and library equipment
13 and the cost for the services of a librarian.

14 **[(p)] (Q)** The Clerk of the Circuit Court for Howard County shall deposit all
15 appearance fees collected by the Clerk pursuant to this section into a special account to be
16 known and designated as “the Law Library Fund”. The Fund shall be used for the general
17 purposes of the court library of the county, including the necessary expenses for books and
18 library equipment.

19 **[(q)] (R)** (1) The Clerk of the Circuit Court for Kent County shall deposit all
20 appearance fees collected by the Clerk under this section into a special account known as
21 the “Kent County Bar Library” Account.

22 (2) These fees, together with other funds, shall be disbursed:

23 (i) If approved or considered necessary by the Administrative Judge
24 of the Circuit Court for Kent County;

25 (ii) For the acquisition and maintenance of legal publications; or

26 (iii) For the compensation of the librarian of the Kent County Bar
27 Library in the amount established in the Second Judicial Circuit Order, relating to the
28 appointment and compensation of the law librarian of the Second Judicial Circuit Courts.

29 **[(r)] (S)** (1) The Clerk of the Circuit Court for Prince George’s County shall
30 transmit to the county all appearance fees collected by the Clerk under this section to be
31 used for the general purposes of the court library and assignment office and for the
32 maintenance and improvement of the court’s facilities, equipment, and programs. These
33 purposes include, but are not limited to, the necessary expenses for books, legal
34 publications, library equipment, and the services of the library and other personnel.

35 (2) Expenditures for the library are not limited to this fund if the same
36 should be deemed insufficient by the County Administrative Judge.

1 **[(s)] (T)** (1) The Clerk of the Circuit Court for Queen Anne’s County shall
2 distribute all appearance fees collected by the Clerk under this section to the Queen Anne’s
3 County Bar Association.

4 (2) The Queen Anne’s County Bar Association shall retain the fees in a
5 separate Law Library Fund.

6 (3) The Queen Anne’s County Bar Association, with the approval of the
7 County Administrative Judge, may make distributions from the Law Library Fund for the
8 purchase and maintenance of legal publications and equipment for the county law library.

9 (4) All property acquired under this section shall be used and maintained
10 as part of the county law library.

11 **[(t)] (U)** (1) The Clerk of the Circuit Court for St. Mary’s County shall
12 transmit to the county each month all appearance fees collected by the Clerk under this
13 section.

14 (2) The county shall maintain the appearance fees in a special account to
15 be known as the St. Mary’s County Law Library Fund.

16 (3) The Fund shall be used only for the general use of the Circuit Court
17 Law Library for the acquisition of books and other publications, library equipment, and for
18 other necessary expenses, as determined by the County Administrative Judge.

19 **[(u)] (V)** The Clerk of the Circuit Court for Somerset County shall deposit
20 monthly all appearance fees collected by the Clerk under this section into a special account
21 to be known as “the Court and Bar Library Account”. The Account shall be for the general
22 use of the court library and for the maintenance and improvement of the court’s facilities
23 and equipment, subject to the approval of the resident circuit court judge.

24 **[(v)] (W)** The Clerk of the Circuit Court for Talbot County shall transmit on a
25 monthly basis all appearance fees collected by the Clerk under this section to the County
26 Bar Library Fund to be used for the general purposes of the bar library.

27 **[(w)] (X)** (1) The Clerk of the Circuit Court for Washington County shall
28 deposit monthly all appearance fees collected under this section into a special account to be
29 known as the Washington County Court Library Fund.

30 (2) The Fund shall be used only for the general use of the county court
31 library including books, library equipment, librarian services, and other necessary
32 expenses as determined by the County Administrative Judge.

1 ~~[(x)]~~ (Y) (1) The Clerk of the Circuit Court for Wicomico County shall deposit
2 not less than monthly all appearance fees collected by the Clerk under this section into a
3 special account to be known as the “Court and Bar Library Account”.

4 (2) The Account shall be for the general use of the court library and for the
5 maintenance and improvement of the court’s facilities and equipment.

6 (3) Funds in the Account shall be disbursed on the approval of the County
7 Administrative Judge.

8 ~~[(y)]~~ (Z) The Clerk of the Circuit Court for Worcester County shall deposit
9 monthly all appearance fees collected by the Clerk under this section into a special account
10 to be known as the “Court and Bar Library Account”. The Account shall be for the general
11 use of the court library and for the maintenance and improvement of the court’s facilities
12 and equipment, and together with other funds in the Account, shall be disbursed upon the
13 approval of the County Administrative Judge.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.