

SENATE BILL 232

D1, D3

(PRE-FILED)

1lr1342
CF 1lr1820

By: **Senator Waldstreicher**

Requested: October 30, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Cases – Surcharges**

3 FOR the purpose of altering a certain surcharge on certain fees, charges, and costs in
4 certain civil cases in the circuit courts and the District Court; prohibiting a certain
5 surcharge from being passed on to a tenant in certain civil proceedings; and generally
6 relating to surcharges in civil cases.

7 BY repealing and reenacting, with amendments,
8 Article – Courts and Judicial Proceedings
9 Section 7–202 and 7–301(c)
10 Annotated Code of Maryland
11 (2020 Replacement Volume)

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

14 **Article – Courts and Judicial Proceedings**

15 7–202.

16 (a) (1) (i) The State Court Administrator shall determine the amount of all
17 court costs and charges for the circuit courts of the counties with the approval of the Board
18 of Public Works.

19 (ii) The fees and charges shall be uniform throughout the State.

20 (2) The Comptroller of the State shall require clerks of court to collect all
21 fees required to be collected by law.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) The clerk may not charge the State, any county, municipality, or Baltimore
2 City any fee provided by this subtitle, unless the State, county, municipality, or Baltimore
3 City first gives its consent.

4 (c) The clerk is entitled to a reasonable fee for performing any other service that
5 is not enumerated in this subtitle or in §§ 3–601 through 3–603 of the Real Property Article.

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

8 (1) May not be more than [~~\$55~~] **\$75** per case; and

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

11 (e) (1) In addition to the surcharge assessed under subsection (d) of this
12 section, the State Court Administrator, as part of the Administrator’s determination of the
13 amount of court costs and charges in civil cases, shall assess a surcharge that:

14 (i) 1. Except as provided in item 2 of this item, shall be \$30 per
15 case; and

16 2. Except as provided in paragraph (2) of this subsection,
17 shall be \$6 to reopen any civil case; and

18 (ii) Shall be deposited into the Circuit Court Real Property Records
19 Improvement Fund established under § 13–602 of this article.

20 (2) A surcharge may not be assessed under this subsection to reopen a case
21 brought by a petitioner under Title 4, Subtitle 5 of the Family Law Article.

22 (f) The State Court Administrator shall:

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

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

27 (g) If a party in a proceeding feels aggrieved by any fee permitted under this
28 subtitle or by §§ 3–601 through 3–603 of the Real Property Article, the party may request
29 a judge of that circuit court to determine the reasonableness of the fee.

30 7–301.

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

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

2 (i) May not be more than:

3 1. [\$8] **\$13** per summary ejectment case; and

4 2. [\$18] **\$24** per case for all other civil cases; and

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

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

10 1. Summary ejectment;

11 2. Tenant holding over;

12 3. Breach of lease; and

13 4. Warrant of restitution.

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

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

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

20 (4) In addition to the surcharge assessed under paragraphs (2) and (3) of
21 this subsection, the Chief Judge of the District Court shall assess a surcharge that:

22 (i) May not be more than:

23 1. \$3 per summary ejectment case; and

24 2. \$8 per case for all other civil cases; and

25 (ii) Shall be deposited into the Circuit Court Real Property Records
26 Improvement Fund established under § 13–602 of this article.

1 **(5) THE SURCHARGE FOR A SUMMARY EJECTMENT CASE UNDER §**
2 **8-401 OF THE REAL PROPERTY ARTICLE MAY NOT BE PASSED ON TO A TENANT BY**
3 **THE COURT OR BY A LANDLORD.**

4 **[(5)] (6)** The Court of Appeals may provide by rule for waiver of
5 prepayment of filing fees and other costs in cases of indigency.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
7 1, 2021.