
By: Delegate Shriver

Introduced and read first time: March 4, 1996
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Court Administration - Collection of Fees - Privatization**

3 FOR the purpose of establishing a pilot program to privatize the collection of certain
4 court costs, fines, restitution payments, probation fees, and other judicial fees;
5 authorizing the State Court Administrator to enter into certain contracts;
6 establishing a deadline for the privatization required by this Act; providing that a
7 contract shall be awarded through competitive sealed proposals; requiring a request
8 for proposal to comply with certain requirements; establishing rules concerning the
9 reimbursement of a private contractor; requiring a private contractor to offer
10 employment to certain government employees; establishing program requirements
11 for a private contractor; establishing a priority for the disbursement of money;
12 authorizing the Court of Appeals to establish a standing master to hold hearings
13 concerning collection matters; establishing procedures for the standing master;
14 authorizing the standing master to issue a report; authorizing a private contractor to
15 collect certain fees; requiring the cooperation of State government units; requiring
16 a certain report; providing for the termination of the program; and generally
17 relating to the collection of judicial fees.

18 BY adding to

19 Article - Courts and Judicial Proceedings
20 Section 13-103
21 Annotated Code of Maryland
22 (1995 Replacement Volume and 1995 Supplement)

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

25 **Article - Courts and Judicial Proceedings**

26 13-103.

27 (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN BALTIMORE
28 CITY AND MONTGOMERY COUNTY THERE IS A PILOT PROGRAM TO PRIVATIZE THE
29 COLLECTION OF:

30 (1) EXCEPT FOR MOTOR VEHICLE OFFENSES THAT ARE NOT REFERRED
31 TO THE DIVISION OF PAROLE AND PROBATION OF THE DEPARTMENT OF PUBLIC

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1 SAFETY AND CORRECTIONAL SERVICES, FOR CRIMINAL CASES IN THE DISTRICT
2 COURT AND CIRCUIT COURT SYSTEMS:

3 (I) COURT COSTS, INCLUDING CRIMINAL INJURIES
4 COMPENSATION COSTS;

5 (II) FINES;

6 (III) RESTITUTION PAYMENTS; AND

7 (IV) ANY OTHER FEE ORDERED BY A COURT TO BE PAID TO A
8 VICTIM OF A CRIME; AND

9 (2) PROBATION FEES.

10 (B) THE STATE COURT ADMINISTRATOR MAY, WITH THE ADVICE OF THE
11 CHIEF JUDGE OF THE COURT OF APPEALS, THE CHIEF JUDGE OF THE DISTRICT
12 COURT, AND THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES,
13 ENTER INTO CONTRACTS WITH PRIVATE COMPANIES TO PRIVATIZE ALL ASPECTS OF
14 COLLECTION UNDER SUBSECTION (A) OF THIS SECTION.

15 (C) THE COLLECTION OF ALL MONEY UNDER THIS SECTION MAY BE
16 TRANSFERRED TO ONE OR MORE PRIVATE CONTRACTORS BY JULY 1, 1997.

17 (D) (1) CONTRACTS SHALL BE AWARDED THROUGH COMPETITIVE SEALED
18 PROPOSALS.

19 (2) A REQUEST FOR PROPOSAL TO TRANSFER COLLECTION ACTIVITIES
20 SHALL:

21 (I) COMPLY WITH THE PROVISIONS OF DIVISION II OF THE STATE
22 FINANCE AND PROCUREMENT ARTICLE;

23 (II) SET FORTH THE GOALS OF THE PRIVATIZATION; AND

24 (III) SPECIFY THE INCENTIVES THAT WILL BE AVAILABLE TO THE
25 CONTRACTOR.

26 (E) REIMBURSEMENT FOR A PRIVATE CONTRACTOR SHALL BE BASED ON A
27 PERCENTAGE OF THE TOTAL AMOUNT OF MONEY COLLECTED BY THE PRIVATE
28 CONTRACTOR.

29 (F) (1) PRIVATE CONTRACTORS SHALL OFFER EMPLOYMENT TO A
30 GOVERNMENT EMPLOYEE WHO LOSES EMPLOYMENT BECAUSE OF THE TRANSFER
31 OF COLLECTION RESPONSIBILITIES.

32 (2) A PRIVATE CONTRACTOR SHALL OFFER EMPLOYMENT UNDER THIS
33 SUBSECTION:

34 (I) ON TERMS DEEMED FAIR AND EQUITABLE BY THE STATE
35 COURT ADMINISTRATOR;

36 (II) FOR AT LEAST 2 YEARS, UNLESS THERE IS CAUSE FOR EARLIER
37 DISMISSAL; AND

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1 (III) AT A BENEFIT LEVEL COMPARABLE TO THAT OF THE
2 CONTRACTOR'S OTHER SIMILARLY SITUATED EMPLOYEES.

3 (G) UNDER THE PROGRAM, A PRIVATE CONTRACTOR SHALL:

4 (1) HAVE AUTHORITY TO COLLECT MONEY IMMEDIATELY AFTER IT IS
5 DETERMINED THAT MONEY IS OWED;

6 (2) HAVE AUTHORITY TO COLLECT MONEY OWED UNDER THIS
7 SECTION AS A JUDGMENT IN A CIVIL ACTION;

8 (3) BE PRESENT AT ALL RELEVANT COURT PROCEEDINGS TO:

9 (I) OBTAIN NECESSARY INFORMATION; AND

10 (II) ESTABLISH A PAYMENT PLAN THAT INCLUDES PROCEDURES
11 CONCERNING NONPAYMENT; AND

12 (4) DISBURSE MONEY COLLECTED FROM A DEFENDANT TO THE
13 APPROPRIATE PERSON IN THE FOLLOWING PRIORITY:

14 (I) RESTITUTION PAYMENTS;

15 (II) OTHER THAN RESTITUTION PAYMENTS, FEES ORDERED BY A
16 COURT TO BE PAID TO A VICTIM OF A CRIME;

17 (III) FINES;

18 (IV) PROBATION FEES, INCLUDING SUPERVISION AND DRUG
19 TESTING FEES; AND

20 (V) COURT COSTS, INCLUDING CRIMINAL INJURIES
21 COMPENSATION COSTS.

22 (H) (1) THE COURT OF APPEALS MAY ESTABLISH BY RULE A STANDING
23 MASTER TO HEAR ISSUES RELATING TO COLLECTION MATTERS UNDER THE
24 PROGRAM.

25 (2) A HEARING AND PROCEDURES RELATING TO COLLECTION
26 MATTERS UNDER THIS SECTION SHALL BE CONDUCTED AS PROVIDED UNDER THE
27 MARYLAND RULES.

28 (3) THE REPORT PREPARED BY A MASTER MAY INCLUDE:

29 (I) A RECOMMENDATION THAT, EXCEPT FOR RESTITUTION
30 PAYMENTS, A DEBT BE REDUCED OR DISCHARGED;

31 (II) A RECOMMENDATION FOR CONTEMPT PROCEEDINGS OR
32 OTHER SANCTIONS;

33 (III) A RECOMMENDATION THAT AN ORDER OF RESTITUTION BE
34 RECORDED AND INDEXED AS A MONEY JUDGMENT; OR

35 (IV) A FINDING THAT A DEFENDANT HAS VIOLATED PROBATION.

1 (I) EACH UNIT OF STATE GOVERNMENT AFFECTED BY THE PROGRAM
2 ESTABLISHED BY THIS SECTION SHALL COOPERATE WITH THE STATE COURT
3 ADMINISTRATOR IN IMPLEMENTING THE PROGRAM.

4 SECTION 2. AND BE IT FURTHER ENACTED, That on or before October 1,
5 1997 and annually thereafter, the State Court Administrator shall report to the Chief
6 Judge of the Court of Appeals of Maryland, the Chief Judge of the District Court, the
7 Governor, and the General Assembly, subject to § 2-1312 of the State Government
8 Article, on the operation and performance of the pilot program. The report shall assess
9 the program's effectiveness and success in enhancing collection through privatization.
10 The State Court Administrator shall include in the report plans for improving the
11 effectiveness and success of the program.

12 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 July 1, 1996 and shall remain effective for a period of 4 years, and, at the end of June 30,
14 2000, and with no further action required by the General Assembly, this Act shall be
15 abrogated and of no further force and effect.