
By: Delegate Vallario

Introduced and read first time: January 24, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Sheriff's Fees - Service of Witness Subpoenas - Exclusions**

3 FOR the purpose of providing in a criminal case that if the State requests service of a
4 witness subpoena on certain individuals, a sheriff may not collect a fee for service;
5 and generally relating to sheriff's fees for service of papers.

6 BY repealing and reenacting, with amendments,
7 Article - Courts and Judicial Proceedings
8 Section 7-402
9 Annotated Code of Maryland
10 (1995 Replacement Volume and 1996 Supplement)

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

13 **Article - Courts and Judicial Proceedings**

14 7-402.

15 (a) Except as provided in [subsection (b)] SUBSECTIONS (B) AND (C) of this
16 section, a sheriff shall collect the following fees:

17 (1) \$5 for service of summary ejection papers.

18 (2) \$30 for service of a paper not including an execution or attachment.

19 (3) \$30 for service including an execution or attachment by taking into
20 custody a person or seizing real or personal property.

21 (4) \$30 for service of process papers arising out of administrative agency
22 proceedings where the party requesting the service is a nongovernmental entity.

23 (5) For the sale following the execution or attachment of personal property:
24 Three percent of the first \$5,000; two percent of the second \$5,000; and one percent of
25 any amount in excess of \$10,000. The sheriff shall collect a minimum of \$15 and a
26 maximum of \$500 under the provisions of this paragraph.

27 (6) For the sale following the execution or attachment of real property: One
28 and one-half percent of the first \$5,000; one percent of the second \$5,000; and one-half

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1 of one percent of any amount in excess of \$10,000. The sheriff shall collect a minimum of
2 \$1.50 and a maximum of \$250 under the provisions of this paragraph.

3 (b) [In] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, IN Cecil
4 County the Sheriff shall collect the following fees:

5 (1) \$5 for service of summary ejectment papers.

6 (2) \$35 for service of a paper not including an execution or attachment.

7 (3) \$35 for service including an execution or attachment by taking into
8 custody a person or seizing real or personal property.

9 (4) \$35 for service of process papers arising out of administrative agency
10 proceedings where the party requesting the service is a nongovernmental entity.

11 (5) For the sale following the execution or attachment of personal property:
12 3 percent of the first \$5,000; 2 percent of the second \$5,000; and 1 percent of any amount
13 in excess of \$10,000. The Sheriff shall collect a minimum of \$15 and a maximum of \$500
14 under the provisions of this paragraph.

15 (6) For the sale following the execution or attachment of real property: 1.5
16 percent of the first \$5,000; 1 percent of the second \$5,000; and one-half of 1 percent of
17 any amount in excess of \$10,000. The Sheriff shall collect a minimum of \$1.50 and a
18 maximum of \$250 under the provisions of this paragraph.

19 (C) IN A CRIMINAL CASE IF THE STATE REQUESTS SERVICE OF A WITNESS
20 SUBPOENA ON AN OFFICER OR EMPLOYEE OF THE STATE OR A POLITICAL
21 SUBDIVISION OF THE STATE, A SHERIFF MAY NOT COLLECT A FEE FOR SERVICE.

22 [(c)] (D) (1) If the sheriff incurs expenses for the purpose of conserving or
23 protecting the seized property, the sheriff shall be reimbursed for the expense.

24 (2) If the Sheriff of Washington County incurs expenses for seizing property,
25 the Sheriff shall be reimbursed by the judgment debtor for reasonable expenses.

26 [(d)] (E) If the sheriff is unable to serve a paper, the full fee shall be refunded to
27 the party requesting the service.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 1997.