

SENATE BILL 198

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1998 Regular Session
(81r0969)

ENROLLED BILL

-- Judicial Proceedings/Commerce and Government Matters --

Introduced by **Senator Baker**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Cecil County - Fines and Forfeitures and Appearance Fees - Use of Funds**
3 **for Charitable and Educational Purposes**

4 FOR the purpose of authorizing the Cecil County Bar and Law Library Association,
5 Inc. to ~~request that~~ transfer certain excess funds held for the use of the court
6 library ~~be transferred~~ to the Cecil County Bar Foundation, Inc. and to be used
7 for charitable and educational purposes in accordance with the bylaws of the
8 Foundation; requiring the judges of the Circuit Court for Cecil County to consult
9 with the Law Library Committee of the Cecil County Bar and Law Library
10 Association, Inc. in directing certain sums to be expended; authorizing certain
11 fines and forfeitures and appearance fees collected in Cecil County to be used for
12 certain purposes; and generally relating to certain fines and forfeitures and
13 appearance fees collected in Cecil County.

14 BY repealing and reenacting, without amendments,
15 Article 38 - Fines and Forfeitures
16 Section 5(a)

1 Annotated Code of Maryland
2 (1997 Replacement Volume and 1997 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article 38 - Fines and Forfeitures
5 Section 5(c)
6 Annotated Code of Maryland
7 (1997 Replacement Volume and 1997 Supplement)

8 BY repealing and reenacting, without amendments,
9 Article - Courts and Judicial Proceedings
10 Section 7-204(a)(1)
11 Annotated Code of Maryland
12 (1995 Replacement Volume and 1997 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article - Courts and Judicial Proceedings
15 Section 7-204(i)
16 Annotated Code of Maryland
17 (1995 Replacement Volume and 1997 Supplement)

18 BY repealing and reenacting, with amendments,
19 The Code of Public Local Laws of Cecil County
20 Section 10-3
21 Article 8 - Public Local Laws of Maryland
22 (1989 Edition and June 1997 Supplement, as amended)

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

25 **Article 38 - Fines and Forfeitures**

26 5.

27 (a) One half of the fines imposed and recognizances forfeited to the circuit
28 court for the several counties of the State shall be paid to the clerks of the respective
29 courts, to be expended under the direction of the judge or judges of said courts, for the
30 augmentation of the libraries of said courts. This section does not apply to Anne
31 Arundel, Somerset, and Howard Counties. The clerk shall retain a 5 percent
32 commission on the fines and forfeitures collected. In Baltimore County, this section
33 shall not apply to fines imposed in gambling cases.

34 (c) (1) In Cecil County, if in any year the payment to the court library of one
35 half the fines imposed and recognizances forfeited plus attorney appearance fees as
36 provided in § 7-204 of the Courts and Judicial Proceedings Article is less than
37 \$10,000 the County Commissioners shall pay to the clerk of the court, for the use of

1 the library, whatever amount may be necessary to bring to \$10,000 in the aggregate,
 2 the total amount to be paid to the library during that year under the provisions of this
 3 section, and in addition to the amount to be paid as aforesaid, the County
 4 Commissioners may, in their discretion, pay such sums over and above the \$10,000
 5 hereinabove provided for, as they consider reasonable for the proper maintenance of
 6 the library.

7 (2) IN ANY YEAR IN WHICH THE FUNDS HELD FOR THE USE OF THE
 8 COURT LIBRARY EXCEED THE AMOUNT NECESSARY FOR THE MAINTENANCE OF THE
 9 LIBRARY, THE CECIL COUNTY BAR AND LAW LIBRARY ASSOCIATION, INC. MAY
 10 ~~REQUEST THAT TRANSFER ANY EXCESS FUNDS BE TRANSFERRED TO THE CECIL~~
 11 COUNTY BAR FOUNDATION, INC. ~~AND TO BE USED FOR CHARITABLE AND~~
 12 EDUCATIONAL PURPOSES IN ACCORDANCE WITH THE BYLAWS OF THE FOUNDATION.

13 (3) All sums paid under the provisions of this section shall be expended
 14 under the direction of the judges of the Circuit Court for Cecil County IN
 15 CONSULTATION WITH THE LAW LIBRARY COMMITTEE OF THE CECIL COUNTY BAR
 16 AND ~~LAW LIBRARY ASSOCIATION, INC.~~

17 **Article - Courts and Judicial Proceedings**

18 7-204.

19 (a) (1) Except in Montgomery County and except as provided in paragraph
 20 (2) of this subsection for Baltimore County, in paragraph (3) of this subsection for St.
 21 Mary's County, and in paragraph (4) of this subsection for Baltimore City, the clerk of
 22 each circuit court shall:

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

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

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

29 (i) The Clerk of the Circuit Court for Cecil County shall retain all appearance
 30 fees collected by the Clerk under this section for the general use of the court library of
 31 the county, including expenses for books and library equipment, AND FOR OTHER
 32 CHARITABLE AND EDUCATIONAL PURPOSES AUTHORIZED UNDER ARTICLE 38, § 5 OF
 33 THE CODE OR OTHER APPLICABLE LAW.

34 **Article 8 - Cecil County**

35 10-3.

36 One-half (1/2) of all fines and penalties hereafter paid, imposed by the Circuit
 37 Court for Cecil County, upon any person or persons convicted in said Court of any
 38 crime, and one-half (1/2) of all forfeitures that may be collected by said court by

1 judgment or decree of said Court, shall be paid to [said] THE Cecil County Bar and
2 Law Library Association, INC. [and by it expended in purchasing law books for the
3 use of said association and others hereafter provided] FOR THE PURPOSE OF
4 MAINTAINING THE LAW LIBRARY AND FOR OTHER CHARITABLE AND EDUCATIONAL
5 PURPOSES AUTHORIZED UNDER ARTICLE 38, § 5 OF THE ANNOTATED CODE OF
6 MARYLAND OR OTHER APPLICABLE LAW.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 July 1, 1998.