

SENATE BILL 198

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1998 Regular Session
8r0969

By: **Senator Baker**

Introduced and read first time: January 28, 1998

Assigned to: Judicial Proceedings

A BILL ENTITLED

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

14 BY repealing and reenacting, without amendments,
15 Article 38 - Fines and Forfeitures
16 Section 5(a)
17 Annotated Code of Maryland
18 (1997 Replacement Volume and 1997 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article 38 - Fines and Forfeitures
21 Section 5(c)
22 Annotated Code of Maryland
23 (1997 Replacement Volume and 1997 Supplement)

24 BY repealing and reenacting, without amendments,
25 Article - Courts and Judicial Proceedings
26 Section 7-204(a)(1)
27 Annotated Code of Maryland
28 (1995 Replacement Volume and 1997 Supplement)

29 BY repealing and reenacting, with amendments,

1 Article - Courts and Judicial Proceedings
 2 Section 7-204(i)
 3 Annotated Code of Maryland
 4 (1995 Replacement Volume and 1997 Supplement)

5 BY repealing and reenacting, with amendments,
 6 The Code of Public Local Laws of Cecil County
 7 Section 10-3
 8 Article 8 - Public Local Laws of Maryland
 9 (1989 Edition and June 1997 Supplement, as amended)

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

12 **Article 38 - Fines and Forfeitures**

13 5.

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

21 (c) (1) In Cecil County, if in any year the payment to the court library of one
 22 half the fines imposed and recognizances forfeited plus attorney appearance fees as
 23 provided in § 7-204 of the Courts and Judicial Proceedings Article is less than
 24 \$10,000 the County Commissioners shall pay to the clerk of the court, for the use of
 25 the library, whatever amount may be necessary to bring to \$10,000 in the aggregate,
 26 the total amount to be paid to the library during that year under the provisions of this
 27 section, and in addition to the amount to be paid as aforesaid, the County
 28 Commissioners may, in their discretion, pay such sums over and above the \$10,000
 29 hereinabove provided for, as they consider reasonable for the proper maintenance of
 30 the library.

31 (2) IN ANY YEAR IN WHICH THE FUNDS HELD FOR THE USE OF THE
 32 COURT LIBRARY EXCEED THE AMOUNT NECESSARY FOR THE MAINTENANCE OF THE
 33 LIBRARY, THE CECIL COUNTY BAR AND LAW LIBRARY ASSOCIATION MAY REQUEST
 34 THAT ANY EXCESS FUNDS BE TRANSFERRED TO THE CECIL COUNTY BAR
 35 FOUNDATION, INC. AND USED FOR CHARITABLE AND EDUCATIONAL PURPOSES IN
 36 ACCORDANCE WITH THE BYLAWS OF THE FOUNDATION.

37 (3) All sums paid under the provisions of this section shall be expended
 38 under the direction of the judges of the Circuit Court for Cecil County IN
 39 CONSULTATION WITH THE LAW LIBRARY COMMITTEE OF THE CECIL COUNTY BAR
 40 AND LAW LIBRARY ASSOCIATION.

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Article - Courts and Judicial Proceedings

2 7-204.

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

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

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

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

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

18

Article 8 - Cecil County

19 10-3.

20 One-half (1/2) of all fines and penalties hereafter paid, imposed by the Circuit
21 Court for Cecil County, upon any person or persons convicted in said Court of any
22 crime, and one-half (1/2) of all forfeitures that may be collected by said court by
23 judgment or decree of said Court, shall be paid to [said] THE Cecil County Bar and
24 Law Library Association [and by it expended in purchasing law books for the use of
25 said association and others hereafter provided] FOR THE PURPOSE OF MAINTAINING
26 THE LAW LIBRARY AND FOR OTHER CHARITABLE AND EDUCATIONAL PURPOSES
27 AUTHORIZED UNDER ARTICLE 38, § 5 OF THE ANNOTATED CODE OF MARYLAND OR
28 OTHER APPLICABLE LAW.

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