
By: **Senators Green, Stone, Kelley, Hughes, Forehand, Boozer,
Middlebrooks, Ferguson, Sfikas, Jimeno, Hollinger, Blount, Lawlah,
Currie, McFadden, Conway, Frosh, Pinsky, and Trotter**

Introduced and read first time: February 5, 1998

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Court Fees - Maryland Legal Services Corporation**

3 FOR the purpose of requiring the District Court and circuit courts to assess and
4 collect a certain surcharge for the Maryland Legal Services Corporation to be
5 used for civil legal services to indigents; establishing the Maryland Legal
6 Services Corporation Fund; requiring the proceeds of the surcharges collected to
7 be distributed to the Maryland Legal Services Corporation Fund for use in
8 accordance with the Maryland Legal Services Corporation Act; providing for the
9 appropriation of moneys collected under this Act; and generally relating to the
10 assessment and collection of certain civil court surcharges.

11 BY repealing and reenacting, with amendments,
12 Article - Courts and Judicial Proceedings
13 Section 7-202 and 7-301(c)
14 Annotated Code of Maryland
15 (1995 Replacement Volume and 1997 Supplement)

16 BY adding to
17 Article - Courts and Judicial Proceedings
18 Section 7-408
19 Annotated Code of Maryland
20 (1995 Replacement Volume and 1997 Supplement)

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

1 **Article - Courts and Judicial Proceedings**

2 7-202.

3 (a) (1) The State Court Administrator shall determine the amount of all
4 court costs and charges for the circuit courts of the counties with the approval of the
5 Board of Public Works. The fees and charges shall be uniform throughout the State.

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

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

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

14 (D) THE STATE COURT ADMINISTRATOR, AS PART OF THE ADMINISTRATOR'S
15 DETERMINATION OF THE AMOUNT OF COURT COSTS AND CHARGES IN CIVIL CASES,
16 SHALL ASSESS A SURCHARGE THAT:

17 (1) MAY NOT BE MORE THAN \$10 PER CASE; AND

18 (2) SHALL BE DEPOSITED INTO A NONLAPSING FUND TO BE DEDICATED
19 TO THE MARYLAND LEGAL SERVICES CORPORATION FOR CIVIL LEGAL SERVICES TO
20 INDIGENTS AS PROVIDED BY ARTICLE 10, §§ 45A THROUGH 45-O OF THE CODE.

21 [(d)] (E) If a party in a proceeding feels aggrieved by any fee permitted under
22 this subtitle or by §§ 3-601 through 3-603 of the Real Property Article of the Code,
23 the party may request a judge of that circuit court to determine the reasonableness of
24 the fee.

25 7-301.

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

28 (2) THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ASSESS A
29 SURCHARGE THAT:

30 (I) MAY NOT BE MORE THAN \$5 PER CIVIL CASE; AND

31 (II) SHALL BE DEPOSITED INTO A NONLAPSING FUND TO BE
32 DEDICATED TO THE MARYLAND LEGAL SERVICES CORPORATION FOR CIVIL LEGAL
33 SERVICES TO INDIGENTS AS PROVIDED BY ARTICLE 10, §§ 45A THROUGH 45-O OF THE
34 CODE.

35 [(2)] (3) The Court of Appeals may provide by rule for waiver of
36 prepayment of filing fees and other costs in cases of indigency.

1 7-408.

2 (A) IN THIS SECTION, "FUND" MEANS THE MARYLAND LEGAL SERVICES
3 CORPORATION FUND.

4 (B) THERE IS A MARYLAND LEGAL SERVICES CORPORATION FUND.

5 (C) IN FISCAL YEAR 1999, MONEYS DERIVED FROM THE SURCHARGE
6 ASSESSED IN CIVIL CASES UNDER §§ 7-202 AND 7-301 OF THIS ARTICLE SHALL BE
7 TRANSFERRED TO THE FUND.

8 (D) THE FUND IS A NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF
9 THE STATE FINANCE AND PROCUREMENT ARTICLE.

10 (E) EXPENDITURES FROM THE FUND SHALL BE MADE IN ACCORDANCE WITH
11 AN APPROPRIATION APPROVED BY THE GENERAL ASSEMBLY IN THE ANNUAL STATE
12 BUDGET OR BY THE BUDGET AMENDMENT PROCEDURE UNDER § 7-209 OF THE STATE
13 FINANCE AND PROCUREMENT ARTICLE.

14 (F) THE MONEYS DISTRIBUTED TO THE FUND SHALL BE USED BY THE
15 MARYLAND LEGAL SERVICES CORPORATION TO FUND CIVIL LEGAL SERVICES TO
16 INDIGENTS AS PROVIDED BY ARTICLE 10, §§ 45A THROUGH 45-O OF THE CODE.

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