

SENATE BILL 592

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1998 Regular Session  
8r1921  
CF 8r1920

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By: **Senators Fry, Boozer, Kasemeyer, Neall, Munson, Hogan, Van Hollen, Middleton, Currie, McFadden, Lawlah, and Hoffman**

Introduced and read first time: February 6, 1998  
Assigned to: Budget and Taxation and Judicial Proceedings

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Committee Report: Without Recommendation  
Senate action: Placed on second reading and amended  
Read second time: April 3, 1998

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Circuit Courts - Efficiency and Equity**

3 ~~FOR the purpose of creating and funding certain State standing master positions in~~  
4 ~~the circuit courts; establishing certain procedures for the appointment of certain~~  
5 ~~State standing masters; providing for the qualifications, duties, compensation,~~  
6 ~~and pensions of certain masters; authorizing the Court of Appeals to adopt~~  
7 ~~certain rules concerning certain State standing masters; providing for State~~  
8 ~~interpreter services and jurors' expenses under certain circumstances; clarifying~~  
9 ~~language; requiring the counties to supplement the State per diem amount of~~  
10 ~~juror compensation unless a certain local ordinance is adopted; requiring the~~  
11 ~~Administrative Office of the Courts to complete a certain report on achieving~~  
12 ~~greater uniformity among judicial masters in the circuit courts; and generally~~  
13 ~~relating to certain State standing masters and certain expenses related to the~~  
14 ~~circuit courts.~~

15 BY adding to  
16 Article - Courts and Judicial Proceedings  
17 Section ~~2-510~~ and 2-511  
18 Annotated Code of Maryland  
19 (1995 Replacement Volume and 1997 Supplement)

20 BY repealing and reenacting, with amendments,  
21 Article - Courts and Judicial Proceedings  
22 Section 8-106  
23 Annotated Code of Maryland  
24 (1995 Replacement Volume and 1997 Supplement)

1 ~~BY repealing and reenacting, without amendments,~~  
 2 ~~Article - State Personnel and Pensions~~  
 3 ~~Section 23-201(a)(1)~~  
 4 ~~Annotated Code of Maryland~~  
 5 ~~(1997 Replacement Volume)~~

6 ~~BY repealing and reenacting, with amendments,~~  
 7 ~~Article - State Personnel and Pensions~~  
 8 ~~Section 23-201(a)(2)~~  
 9 ~~Annotated Code of Maryland~~  
 10 ~~(1997 Replacement Volume)~~

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 ~~2-510.~~

15 ~~(A) IN THE CIRCUIT COURTS IN EACH COUNTY FULL TIME STATE STANDING~~  
 16 ~~MASTERS SHALL BE APPOINTED BY THE CIRCUIT ADMINISTRATIVE JUDGE OF A~~  
 17 ~~JUDICIAL CIRCUIT IN CONSULTATION WITH THE ADMINISTRATIVE OFFICE OF THE~~  
 18 ~~COURTS.~~

19 ~~(B) STATE STANDING MASTERS APPOINTED UNDER THIS SECTION SHALL:~~

20 ~~(1) REPORT TO AND PERFORM THE DUTIES AND THE ASSIGNMENTS~~  
 21 ~~DETERMINED BY THE CIRCUIT ADMINISTRATIVE JUDGE OF A JUDICIAL CIRCUIT;~~  
 22 ~~AND~~

23 ~~(2) BE OFFICERS OF THE STATE.~~

24 ~~(C) THE COMPENSATION OF STATE STANDING MASTERS SHALL:~~

25 ~~(1) BE UNIFORM THROUGHOUT THE STATE;~~

26 ~~(2) BE DETERMINED BY THE ADMINISTRATIVE OFFICE OF THE COURTS;~~  
 27 ~~AND~~

28 ~~(3) BE INCLUDED IN THE STATE BUDGET FOR THE JUDICIARY~~  
 29 ~~DEPARTMENT OF MARYLAND BEGINNING IN FISCAL YEAR 2001.~~

30 ~~(D) THIS SECTION DOES NOT REQUIRE A CURRENT POSITION OF STANDING~~  
 31 ~~MASTER TO BE CONVERTED TO A STATE STANDING MASTER.~~

32 ~~(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,~~  
 33 ~~STATE STANDING MASTERS SHALL BE MEMBERS OF THE STATE EMPLOYEES'~~  
 34 ~~PENSION SYSTEM.~~

1           ~~(2) THIS SUBSECTION DOES NOT ALTER AN EXISTING PENSION, OR~~  
 2 ~~EXISTING RIGHTS UNDER A PENSION SYSTEM OTHER THAN THE STATE EMPLOYEES'~~  
 3 ~~PENSION SYSTEM, OF ANY CURRENT STANDING MASTER WHO IS CONVERTED TO A~~  
 4 ~~STATE STANDING MASTER POSITION.~~

5           ~~(F) (1) STATE STANDING MASTERS SHALL PERFORM THEIR ASSIGNED~~  
 6 ~~DUTIES AND RESPONSIBILITIES ON A FULL-TIME BASIS.~~

7           ~~(2) THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL DETERMINE~~  
 8 ~~WHETHER OUTSIDE EMPLOYMENT IS PERMISSIBLE FOR STATE STANDING MASTERS,~~  
 9 ~~AND THE EXTENT TO WHICH IT MAY BE PERMISSIBLE.~~

10          ~~(G) AN INDIVIDUAL WHO ASSISTS A STATE STANDING MASTER APPOINTED~~  
 11 ~~UNDER THIS SECTION SHALL BE AN EMPLOYEE OF THE CIRCUIT COURT IN WHICH~~  
 12 ~~THE INDIVIDUAL PROVIDES ASSISTANCE AND MAY NOT BE CONSIDERED AN~~  
 13 ~~EMPLOYEE OF THE STATE.~~

14          ~~(H) THE COURT OF APPEALS MAY ADOPT RULES CONCERNING THE STATE~~  
 15 ~~STANDING MASTER POSITIONS DESCRIBED IN THIS SECTION.~~

16 2-511.

17          THERE SHALL BE INCLUDED IN THE STATE BUDGET FOR THE JUDICIARY  
 18 DEPARTMENT OF MARYLAND BEGINNING IN FISCAL YEAR 2000, AN AUTHORIZATION  
 19 TO THE ADMINISTRATIVE OFFICE OF THE COURTS IN THE TOTAL AMOUNT  
 20 NECESSARY TO PROVIDE INTERPRETER SERVICES REQUIRED TO BE PROVIDED BY  
 21 FEDERAL OR STATE LAW IN A CIRCUIT COURT PROCEEDING.

22 8-106.

23          (a) [As used in this section, unless otherwise indicated, "mileage allowance"  
 24 means the rate for each mile or fraction of a mile over five miles actually traveled by  
 25 a juror going to and from court each day over the shortest practicable route.] IN THIS  
 26 SECTION, "DAY" MEANS THE LENGTH OF TIME IN ANY 24-HOUR PERIOD DURING  
 27 WHICH A JUROR IS REQUIRED TO BE IN ATTENDANCE AT OR IN PROXIMITY TO THE  
 28 COURT IN WHICH THE JUROR HAS BEEN CALLED AS A JUROR.

29          (b) A juror shall receive [the] A STATE per diem amount OF \$10 [stated in this  
 30 section] for each day the juror attends court. [as a juror in:

31               (1) Allegany County--\$15 expense money; a juror who resides outside  
 32 the corporate limits of Cumberland shall receive 12 cents per mile or fraction of a mile  
 33 actually traveled going to and from court each day over the shortest practicable route.

34               (2) Anne Arundel County--\$15 expense money.

35               (3) Baltimore City--\$10 expense money; no mileage allowance, no  
 36 overtime.

1 (4) Baltimore County--the expense money as set by the judges of the  
2 Circuit Court of Baltimore County.

3 (5) Calvert County--\$20 expense money plus an additional \$5 expense  
4 money if his service extends past 6:00 p.m. and a second additional \$5 if his service  
5 extends past 9:00 p.m. on any day.

6 (6) Caroline County--\$15 expense money; mileage allowance in  
7 accordance with the Standard State Travel Regulations; no overtime.

8 (7) Carroll County--\$15 expense money.

9 (8) Cecil County--\$20 expense money; 15 cents mileage allowance. If a  
10 juror's service extends past 6:00 p.m. on any day, he shall receive an additional day's  
11 pay.

12 (9) Charles County--\$15 expense money plus an additional \$5 expense  
13 money if his service extends past 6:00 p.m. and a second additional \$5 if his service  
14 extends past 9:00 p.m. on any day.

15 (10) Dorchester County--\$15 expense money.

16 (11) Frederick County--\$20 expense money.

17 (12) Garrett County--\$15 expense money; mileage allowance at the  
18 standard county rate, no overtime.

19 (13) Harford County--\$20 expense money plus additional expense money  
20 as set by the County Council.

21 (14) Howard County--\$10 expense money plus an additional \$10 expense  
22 money if the service of the juror extends past 1:00 p.m.

23 (15) Kent County--\$15 expense money; 15 cents mileage allowance. If a  
24 juror's service extends past 6:00 p.m. on any day, he shall receive an additional day's  
25 pay.

26 (16) Montgomery County--\$15 expense money plus an additional \$5  
27 expense money if the juror's service extends past 6:00 p.m.

28 (17) Prince George's County--\$15 expense money.

29 (18) Queen Anne's County--\$15 expense money; mileage allowance as set  
30 by the County Commissioners; if a juror's service extends past 6:00 p.m. on any day,  
31 the juror shall receive an additional \$15 expense money.

32 (19) St. Mary's County--\$15 expense money plus an additional \$5  
33 expense money if his service extends past 6:00 p.m. and a second additional \$5 if his  
34 service extends past 9:00 p.m. on any day.

1 (20) Somerset County -- \$15 expense money; no mileage allowance; no  
 2 overtime. If a juror resides on Smith Island, the juror shall receive \$10 travel  
 3 allowance.

4 (21) Talbot County--\$15; no mileage allowance; no overtime.

5 (22) Washington County--\$15 expense money, plus an additional \$5  
 6 expense money if his service extends past 6:00 p.m.; mileage allowance as set by the  
 7 County Commissioners.

8 (23) Wicomico County--\$15 expense money; no mileage allowance.

9 (24) Worcester County--\$15 expense money; mileage allowance as set by  
 10 the County Commissioners.]

11 (c) The government of each county [shall levy each year a sum sufficient to  
 12 pay jurors the amounts due them] MAY SUPPLEMENT THE STATE PER DIEM AMOUNT  
 13 BY LOCAL ORDINANCE.

14 (d) [A juror's compensation or expense money may not be less than the  
 15 amount provided on July 1, 1969, by the county in which the juror serves] THERE  
 16 SHALL BE INCLUDED IN THE STATE BUDGET FOR THE JUDICIARY DEPARTMENT OF  
 17 MARYLAND BEGINNING IN FISCAL YEAR 2000, AN AUTHORIZATION TO THE  
 18 ADMINISTRATIVE OFFICE OF THE COURTS IN THE TOTAL AMOUNT NECESSARY TO  
 19 PAY JURORS ~~FOR EXPENSE MONEY~~ THE STATE PER DIEM AMOUNT.

20 **~~Article -- State Personnel and Pensions~~**

21 ~~23-201.~~

22 (a) ~~Except as provided in subsection (b) of this section, §§ 23-202 through~~  
 23 ~~23-205 of this subtitle apply only to:~~

24 (1) ~~a regular employee whose compensation is provided by State~~  
 25 ~~appropriation or paid from State funds;~~

26 (2) ~~an appointed or elected official of the State, including:~~

27 (i) ~~a clerk of the circuit court;~~

28 (ii) ~~a register of wills;~~

29 (iii) ~~a State's Attorney; [and]~~

30 (iv) ~~a sheriff; AND~~

31 (V) ~~A STATE STANDING MASTER;~~

32 SECTION 2. AND BE IT FURTHER ENACTED, That ~~this Act may not be~~  
 33 ~~construed to preempt presently existing county per diem juror expenses and that~~  
 34 ~~counties may continue to provide per diem expenses in excess of the State per diem~~

1 ~~amount established under Section 1 of this Act without enacting local ordinances. a~~  
2 ~~county shall supplement the State per diem amount established under § 8-106 of the~~  
3 ~~Courts Article as enacted by Section 1 of this Act so that the total per diem amount~~  
4 ~~and other expenses do not fall below the amount required under § 8-106 of the Courts~~  
5 ~~Article prior to the effective date of this Act, unless a county modifies the~~  
6 ~~supplemental amount by local ordinance.~~

7 SECTION 3. AND BE IT FURTHER ENACTED, That the Administrative Office  
8 of the Courts, in consultation with the Maryland State Bar Association and the  
9 Maryland Judicial Conference, shall report back to the Senate Budget and Taxation  
10 Committee and the House Committee on Appropriations by November 15, 1998 on  
11 how to achieve greater uniformity among judicial masters within the circuit courts.  
12 The report should address issues relating to the compensation, qualifications,  
13 appointment, and duties of judicial masters within the circuit courts.

14 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take  
15 effect October 1, 1998.