

HOUSE BILL 714

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L2

2000 Regular Session
0lr2273
CF 0lr2272

By: **Delegate Marriott (Baltimore City Administration) and Delegates
Branch, Cole, C. Davis, Dobson, Fulton, Gladden, Harrison, V. Jones,
Krysiak, McIntosh, Nathan-Pulliam, Paige, Phillips, and Rawlings**

Introduced and read first time: February 10, 2000

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Courts - Appeals - Local Code Enforcement Cases**

3 FOR the purpose of requiring an appeal from a final judgment entered in the District
4 Court to be heard on the record in certain civil and criminal local code
5 enforcement cases; making certain stylistic changes; and generally relating to
6 appeals of certain local code enforcement cases.

7 BY repealing and reenacting, with amendments,
8 Article - Courts and Judicial Proceedings
9 Section 12-401(f)
10 Annotated Code of Maryland
11 (1998 Replacement Volume and 1999 Supplement)

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

14 **Article - Courts and Judicial Proceedings**

15 12-401.

16 (f) (1) [In a civil case in which the amount in controversy exceeds \$2,500
17 exclusive of interest, costs, and attorney's fees if attorney's fees are recoverable by law
18 or contract, in any matter arising under § 4-401(7)(ii) of this article, and in any case
19 in which the parties so agree, an appeal shall be heard on the record made in the
20 District Court. In every other case,] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
21 SUBSECTION, AN APPEAL, including AN APPEAL IN a criminal case in which sentence
22 has been imposed or suspended following a plea of nolo contendere or guilty, and an
23 appeal in a municipal infraction or Code violation case, [an appeal] shall be tried de
24 novo.

25 (2) AN APPEAL SHALL BE HEARD ON THE RECORD MADE IN THE
26 DISTRICT COURT IN:

1 (I) A CIVIL CASE IN WHICH THE AMOUNT IN CONTROVERSY
2 EXCEEDS \$2,500 EXCLUSIVE OF INTEREST, COSTS, AND ATTORNEY'S FEES IF
3 ATTORNEY'S FEES ARE RECOVERABLE BY LAW OR CONTRACT;

4 (II) ANY MATTER ARISING UNDER § 4-401(7)(II) OR (8) OF THIS
5 ARTICLE, INCLUDING A CRIMINAL CASE INVOLVING A MATTER UNDER § 4-401(8) OF
6 THIS ARTICLE; AND

7 (III) ANY CASE IN WHICH THE PARTIES SO AGREE.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2000.