
By: **Prince George's County Delegation**

Introduced and read first time: February 11, 2005

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Courts - Docketing Fee for Appearance of Counsel**
3 **- Payment and Collection**
4 **PG 305-05**

5 FOR the purpose of requiring the Clerk of the Circuit Court for Prince George's
6 County to collect, in advance, a certain fee for docketing the appearance of
7 counsel when bringing a civil action in the court; requiring the Clerk to charge
8 as costs a certain fee for docketing the appearance of counsel when prosecuting
9 or defending a criminal action in the court; requiring the Clerk to collect, in
10 advance, a certain fee for docketing the appearance of counsel when bringing or
11 defending a case in the Court of Appeals; requiring the Clerk to collect a higher
12 fee if the Clerk is required to send a bill or collection notice for nonpayment of
13 the fee; requiring the Clerk to collect a higher fee if a certain period of time
14 elapses, without payment, after a collection notice for nonpayment has been
15 sent by the Clerk; requiring the Clerk to refer the matter to the court for
16 consideration of a contempt order if a certain period of time elapses, without
17 payment, after a collection notice for nonpayment has been sent by the Clerk;
18 making stylistic changes; and generally relating to Prince George's County and
19 docketing fees for appearance of counsel.

20 BY repealing and reenacting, with amendments,
21 Article - Courts and Judicial Proceedings
22 Section 7-204(a) and (q)
23 Annotated Code of Maryland
24 (2002 Replacement Volume and 2004 Supplement)

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

1 **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, in paragraph (4) of this subsection for Baltimore City, [and] in
6 paragraph (5) of this subsection for Harford County, AND IN PARAGRAPH (6) OF THIS
7 SUBSECTION FOR PRINCE GEORGE'S COUNTY, the clerk of each circuit court shall:

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

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

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

14 (2) The Clerk of the Circuit Court for Baltimore County shall:

15 (i) Collect, in advance, the following fee for docketing the
16 appearance of counsel when bringing or defending a civil action:

17 1. A \$20 fee for an action, including the collection of money
18 due on mortgage, in a court of equity; and

19 2. A \$10 fee for an action at law in a court of original
20 jurisdiction;

21 (ii) Charge as costs the following fee for docketing the appearance
22 of counsel when bringing or defending a criminal action:

23 1. If the punishment for the offense charged is death or
24 confinement in the State penitentiary, a \$20 fee; and

25 2. For any other criminal action, a \$10 fee; and

26 (iii) Collect, in advance, a \$20 fee for docketing the appearance of
27 counsel when bringing or defending a case in the Court of Appeals.

28 (3) The Clerk of the Circuit Court for St. Mary's County shall collect, in
29 advance, a \$10 fee for docketing the appearance of counsel when bringing or
30 defending a civil action in the court.

31 (4) The Clerk of the Circuit Court for Baltimore City shall:

32 (i) Collect, in advance, a \$20 fee for docketing the appearance of
33 counsel when bringing or defending a civil action in the court;

1 (ii) Charge as costs the following fee for docketing the appearance
2 of counsel when bringing or defending a criminal action:

3 1. If the punishment for the offense charged is death or
4 confinement in the State penitentiary, a \$20 fee; and

5 2. For any other criminal action, a \$10 fee; and

6 (iii) Collect, in advance, a \$20 fee for docketing the appearance of
7 counsel when bringing or defending a case in the Court of Appeals.

8 (5) The Clerk of the Circuit Court for Harford County shall:

9 (i) Collect, in advance, a \$20 fee for docketing the appearance of
10 counsel when bringing or defending a civil action in the court;

11 (ii) Charge as costs a \$20 fee for docketing the appearance of
12 counsel when prosecuting or defending a criminal action in the court; and

13 (iii) Collect, in advance, a \$20 fee for docketing the appearance of
14 counsel when bringing or defending a case in the Court of Appeals.

15 (6) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE
16 CLERK OF THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY SHALL:

17 1. COLLECT, IN ADVANCE, A \$10 FEE FOR DOCKETING THE
18 APPEARANCE OF COUNSEL WHEN BRINGING OR DEFENDING A CIVIL ACTION IN THE
19 COURT;

20 2. CHARGE AS COSTS A \$10 FEE FOR DOCKETING THE
21 APPEARANCE OF COUNSEL WHEN PROSECUTING OR DEFENDING A CRIMINAL
22 ACTION IN THE COURT; AND

23 3. COLLECT, IN ADVANCE, A \$10 FEE FOR DOCKETING THE
24 APPEARANCE OF COUNSEL WHEN BRINGING OR DEFENDING A CASE IN THE COURT
25 OF APPEALS.

26 (II) THE CLERK OF THE CIRCUIT COURT FOR PRINCE GEORGE'S
27 COUNTY SHALL:

28 1. COLLECT A \$20 FEE FOR DOCKETING THE APPEARANCE
29 OF COUNSEL IF THE CLERK SENDS A BILL OR A COLLECTION NOTICE FOR
30 NONPAYMENT OF THE FEE;

31 2. COLLECT A \$40 FEE FOR DOCKETING THE APPEARANCE
32 OF COUNSEL IF 30 DAYS WITHOUT PAYMENT ELAPSE AFTER A COLLECTION NOTICE
33 FOR NONPAYMENT IS SENT BY THE CLERK; AND

34 3. REFER THE MATTER TO THE CIRCUIT COURT FOR
35 CONSIDERATION OF A CONTEMPT ORDER IF 60 DAYS WITHOUT PAYMENT ELAPSE
36 AFTER A COLLECTION NOTICE FOR NONPAYMENT IS SENT BY THE CLERK.

1 (q) (1) (I) The Clerk of the Circuit Court for Prince George's County shall
2 transmit to the county all appearance fees collected by the Clerk under this section to
3 be used for the general purposes of the court library and assignment office and for the
4 maintenance and improvement of the court's facilities, equipment, and programs.

5 (II) These purposes include, but are not limited to, the necessary
6 expenses for books, legal publications, library equipment, and the services of the
7 library and other personnel.

8 (2) Expenditures for the library are not limited to this fund if the same
9 should be deemed insufficient by the County Administrative Judge.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2005.