

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

Senate Bill 676 (Senator Giannetti)
Judicial Proceedings

Commission to Study Electronic Filing of Documents in Court

This bill establishes the Commission to Study Electronic Filing of Documents in Court. Findings and recommendations are due to the Governor, the Chief Judge of the Court of Appeals, and the General Assembly by December 31, 2006. The Administrative Office of the Courts (AOC) must provide staff support for the commission.

The bill takes effect June 1, 2006 and terminates on January 31, 2007.

Fiscal Summary

State Effect: None. Any expense reimbursements for commission members and staffing costs for AOC are assumed to be minimal and absorbable within existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The commission must: (1) assess and evaluate the current pilot programs for electronic filing of pleadings and papers approved by the Court of Appeals; (2) study other states' statutes and court rules on electronic filing of documents and any model electronic filing rules; (3) recommend a statewide plan so that all State courts accept electronically filed documents by January 1, 2009; and (4) recommend legislation and changes to the Maryland Rules to implement its recommendations.

Current Law: Rules 16-307 and 16-506 govern the electronic filing of pleadings and papers in circuit courts and the District Court, respectively. A county administrative judge or the Chief Judge of the District Court may develop, and submit for approval, a pilot project for the electronic filing of pleadings and papers. A plan may not be implemented unless approved by administrative order of the Court of Appeals and must terminate two years after the date of the administrative order, unless the court terminates it earlier or modifies or extends it by a subsequent order.

Background: The Circuit Court for Baltimore City and the District Court for Prince George's County have instituted pilot projects for the electronic filing of documents under Rules 16-307 and 16-506, respectively.

According to the American Bar Association, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, New Jersey, New York, North Carolina, Ohio, Texas, and Washington use a statewide electronic filing system in their state courts. North Dakota has an electronic filing pilot program.

Additional Information

Prior Introductions: SB 409 of 2005, an identical bill, received an unfavorable report from the Senate Judicial Proceedings Committee.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - March 5, 2006
nas/jr

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