

Department of Legislative Services  
Maryland General Assembly  
2007 Session

FISCAL AND POLICY NOTE

House Bill 1029

(Delegate Taylor, *et al.*)

Judiciary

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Courts and Judicial Proceedings - Civil Court Cases - Filing Fees

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This bill replaces several circuit court and District Court filing fees that are currently set by the State Court Administrator or Chief Judge of the District Court with statutory rates. Generally, the fees set by the bill represent a \$15 increase over current fees.

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Fiscal Summary

**State Effect:** Significant increase in general fund revenues from filing fees.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Bill Summary:** This bill replaces the authority of the State Court Administrator and Chief of the District Court to set filing fee with statutory rates. A summary of the existing fees, and the fees set by this bill is set forth below.

| <b><u>Action</u></b>   | <b><u>Existing<br/>Fee</u></b> | <b><u>HB 1029<br/>Fee</u></b>           |
|--|--------------------------------|---|
| <b><u>Circuit Court</u></b>  |                                |   |
| Civil action, including:<br>supplemental bill of complaint<br>certified copy of pleading giving rise to lis<br>pendens<br>petition for writ of habeas corpus   | \$80                           | \$95                                    |
| Docketing a petition related to arbitration award  | \$10                           | \$25                                    |
| Docketing:<br>motion for special admission of an out-of-state<br>attorney<br>summons or other notice of a court of another<br>state for witness deposition<br>foreign judgment<br>certified copy of a foreign custody order<br>motion for an order in connection with a<br>subpoena of bar counsel | \$25                           | \$40                                    |
| Appeal from an administrative agency   | \$80                           | \$95                                    |
| Any other service  | Reasonable<br>fee              | Reasonable<br>fee not less<br>than \$15 |
| <b><u>District Court</u></b>   |                                |   |
| Assignment of Wages  | \$10                           | \$25                                    |
| Action of tort, contract, detinue, confessed<br>judgment, attachment before judgment, and<br>replevin and show cause order   | \$20                           | \$35                                    |
| Action of forcible entry and detainer, breach of lease,<br>tenant holding over, and injunction   | \$20                           | \$35                                    |
| Small claims actions   | \$10                           | \$25                                    |

| <u>Action</u>  | <u>Existing<br/>Fee</u> | <u>HB 1029<br/>Fee</u> |
|--|-------------------------|------------------------|
| Distress and show cause order:<br>if amount of rent is \$500 or less   | \$10                    | \$25                   |
| for each additional \$500 of rent  | \$5                     | \$5                    |
| Reissuance of distress and show cause order  | \$2                     | \$17                   |
| Distress order of levy   | \$5                     | \$20                   |
| Notice of lien (payable to Circuit Court)  | \$15                    | \$30                   |
| Petition for show cause order (per defendant)  | \$10                    | \$25                   |
| Recordation of foreign judgment  | \$25                    | \$40                   |
| Renewal of judgment  | \$10                    | \$25                   |
| Renewal of order for oral examination, show cause<br>order, or summons (per defendant)                               | \$5                     | \$20                   |
| Request for certification of judgment under Act of<br>Congress   | \$10                    | \$25                   |
| Request for oral examination (per defendant)   | \$10                    | \$25                   |
| Request for execution or possession  | \$10                    | \$25                   |
| Request for writ of garnishment  | \$10                    | \$25                   |
| Summary ejectment  | \$4                     | \$19                   |
| Transmittal of certified copy of judgment,<br>assignment of judgment, or recording a landlord<br>and tenant judgment | \$10                    | \$25                   |

**Current Law:** Under current law, the State Court Administrator, with the approval of the Board of Public Works, is required to determine the amount of all court costs and charges for the circuit courts. The fees and charges must be uniform throughout the State. The Comptroller must require the clerks of court to collect all fees required by law. The clerk may not charge the State, any county or municipality, or Baltimore City court costs, fees, or forfeitures unless the unit of government gives its consent.

Filing fees for the District Court are set by the Chief Judge of the District Court. This can be done without approval from the Board of Public Works. *See* 83 Op. Att’y Gen. 180 (Nov. 9, 1998).

A judge may waive the prepayment of filing fees and costs in a civil case because of indigency. Revenue from civil filing fees in the circuit court and District Court is State general fund revenue. Court fees unaffected by this bill also generate revenue for special funds including the Victims of Crime Fund, Criminal Injury Compensation Fund, and Land Record Improvement Fund.

Circuit courts and the District Court also assess a surcharge paid to the Maryland Legal Service Corporation on the fee paid for various actions, generally \$25 for circuit court filings and \$10 for District Court filings. This fee is unchanged by the bill and is not included in the table above.

The current fees were most recently set in October 2004.

**Background:** District Court filing fees, including fees in criminal and traffic cases, are expected to generate \$89.1 million in general fund revenues in fiscal 2007. Circuit court filing fees, including criminal cases, are expected to generate \$64.9 million in general fund revenue in fiscal 2007.

**State Fiscal Effect:** General fund revenues would increase significantly due to increases in filing fees. However, the additional revenue that would be generated cannot be reliably estimated at this time because all fees are accounted for in the aggregate rather than broken down by individual source. While the statutory fees reflect primarily a \$15 increase over the fees in the most recent revised fee schedule, the percentage increases are not uniform, and several fees are left unchanged by this bill.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Wicomico County, Allegany County, Montgomery County, Prince George’s County, Talbot County, Judiciary (Administrative Office of the Courts), Comptroller’s Office, Maryland State Treasurer’s Office, Baltimore City, Department of Legislative Services

**Fiscal Note History:** First Reader - February 26, 2007  
mll/jr

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