

HOUSE BILL 643

E2, D1

8lr2445

By: **Delegate Barnes**

Introduced and read first time: February 1, 2008

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Costs – Circuit Courts and District Court – Failure to Appear or Violation of**
3 **Probation**

4 FOR the purpose of requiring a circuit court or the District Court to impose on a
5 criminal defendant certain fees for failing to appear or violating a condition of
6 probation under certain circumstances; requiring a clerk of a circuit court or the
7 District Court to pay fees collected under this Act to certain law enforcement
8 agencies; and generally relating to requiring the imposition of certain fees on a
9 criminal defendant for failing to appear or violating a condition of probation
10 under certain circumstances.

11 BY repealing and reenacting, with amendments,
12 Article – Courts and Judicial Proceedings
13 Section 7–409
14 Annotated Code of Maryland
15 (2006 Replacement Volume and 2007 Supplement)

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

18 **Article – Courts and Judicial Proceedings**

19 7–409.

20 (a) (1) In this section the following words have the meanings indicated.

21 (2) “Crime” means an act committed by a person in the State that is:

22 (i) A crime under Title 1, Subtitle 3, Title 3, Subtitle 7, or §
23 4–123.1 of the Agriculture Article;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (ii) A crime under Title 19, Subtitle 2 or Subtitle 3 of the
2 Business Regulation Article;
- 3 (iii) A crime under Title 14, Subtitle 29, § 11–810, or § 14–1317
4 of the Commercial Law Article;
- 5 (iv) A crime under § 3–218, § 3–305(c)(2), § 3–409(a) or (c), §
6 3–803(b), § 3–807(i), § 3–808(d), § 3–811(c), § 8–801, § 8–802, § 9–602(e), §
7 11–702(d)(8), § 11–703(e)(5)(iii), § 11–708(d)(7)(ii), § 11–711(h)(2), § 11–712(c)(6)(ii), §
8 11–715(g)(2), § 11–716(h)(2), § 11–723(b)(8), or § 11–726 of the Correctional Services
9 Article;
- 10 (v) A crime under the Criminal Law Article other than Title 8,
11 Subtitle 2, Part II or § 10–614;
- 12 (vi) A crime under the Criminal Procedure Article;
- 13 (vii) A crime under Title 5, Subtitle 10A of the Environment
14 Article;
- 15 (viii) A crime under § 5–503 of the Family Law Article;
- 16 (ix) A crime under Title 12, Subtitle 9 of the Financial
17 Institutions Article;
- 18 (x) A crime under Title 20, Subtitle 7 or § 21–259.1 of the
19 Health – General Article;
- 20 (xi) A crime under § 8–713.1, § 8–724.1, § 8–725.5, § 8–725.6, §
21 8–726.1, § 8–738.1, § 8–740.1, or § 10–411(b), as it relates to Harford County, or (d), as
22 it relates to Anne Arundel County or Caroline County, of the Natural Resources
23 Article;
- 24 (xii) A crime under Title 3, Subtitle 1 or Subtitle 5, Title 5,
25 Subtitle 1, Subtitle 2, Subtitle 3, or Subtitle 4, § 6–602, § 7–402, or § 12–701 of the
26 Public Safety Article;
- 27 (xiii) A crime under § 14–127 of the Real Property Article;
- 28 (xiv) A violation of the Transportation Article that is punishable
29 by imprisonment;
- 30 (xv) A crime under Article 2B, Title 22 or § 18–104 of the Code;
- 31 (xvi) A crime under Article 24, § 11–512, § 11–513, or § 11–514 of
32 the Code;

1 (xvii) A crime under Chapter 110–1 of the Code of Public Local
2 Laws of Caroline County;

3 (xviii) A crime under § 4–103 of the Code of Public Local Laws of
4 Carroll County;

5 (xix) A crime under § 8A–1 of the Code of Public Local Laws of
6 Talbot County; or

7 (xx) A crime at common law.

8 (3) “Offense” means a violation of the Transportation Article that is
9 not punishable by imprisonment.

10 (b) In addition to any other costs required by law, a circuit court shall impose
11 on a defendant convicted of a crime an additional cost of \$45 in the case.

12 (c) In addition to any other costs required by law, the District Court shall
13 impose on a defendant convicted of a crime an additional cost of \$35 in the case.

14 (d) In addition to any other costs required by law, a court shall impose on a
15 defendant convicted of an offense an additional cost of \$3 in the case, including cases
16 in which the defendant elects to waive the right to trial and pay the fine or penalty
17 deposit established by the Chief Judge of the District Court by administrative
18 regulation.

19 **(E) (1) IN ADDITION TO ANY OTHER COSTS REQUIRED BY LAW, A**
20 **CIRCUIT COURT OR THE DISTRICT COURT SHALL IMPOSE ON A DEFENDANT A**
21 **FEE OF \$40 IN THE CASE IF:**

22 **(I) A WARRANT IS ISSUED FOR THE DEFENDANT UNDER**
23 **TITLE 4 OF THE MARYLAND RULES FOR FAILING TO APPEAR AS REQUIRED;**

24 **(II) THE WARRANT IS SERVED BY A LAW ENFORCEMENT**
25 **OFFICER; AND**

26 **(III) THE CIRCUIT COURT OR DISTRICT COURT FINDS THE**
27 **DEFENDANT FAILED TO APPEAR AS REQUIRED UNDER LAW.**

28 **(2) IN ADDITION TO ANY OTHER COSTS REQUIRED BY LAW, A**
29 **CIRCUIT COURT OR THE DISTRICT COURT SHALL IMPOSE ON A DEFENDANT A**
30 **FEE OF \$40 IN THE CASE IF:**

31 **(I) A WARRANT IS ISSUED FOR THE DEFENDANT UNDER**
32 **TITLE 4 OF THE MARYLAND RULES FOR VIOLATING A CONDITION OF**
33 **PROBATION;**

1 **(II) THE WARRANT IS SERVED BY A LAW ENFORCEMENT**
2 **OFFICER; AND**

3 **(III) THE CIRCUIT COURT OR DISTRICT COURT FINDS THE**
4 **DEFENDANT VIOLATED A CONDITION OF PROBATION.**

5 **[(e)] (F) [(1) All] EXCEPT AS OTHERWISE PROVIDED IN**
6 **SUBSECTION (I) OF THIS SECTION, ALL** money collected under this section shall be
7 paid to the Comptroller of the State.

8 **[(2)] (G) (1)** The Comptroller shall deposit \$22.50 from each fee
9 collected under subsection (b) of this section from a circuit court and \$12.50 from each
10 fee collected under subsection (c) of this section from the District Court into the State
11 Victims of Crime Fund established under § 11–916 of the Criminal Procedure Article.

12 **[(3)] (2)** The Comptroller shall deposit \$2.50 from each fee collected
13 under subsections (b) and (c) of this section into the Victim and Witness Protection
14 and Relocation Fund established under § 11–905 of the Criminal Procedure Article.

15 **[(4)] (3)** The Comptroller shall deposit all other moneys collected
16 under subsections (b) and (c) of this section into the Criminal Injuries Compensation
17 Fund established under § 11–819 of the Criminal Procedure Article.

18 **[(f)] (H) (1)** From the first \$500,000 in fees collected under subsection (d)
19 of this section in each fiscal year, the Comptroller shall deposit one–half of each fee
20 into the State Victims of Crime Fund and one–half of each fee into the Criminal
21 Injuries Compensation Fund.

22 **(2)** For fees collected under subsection (d) of this section in excess of
23 \$500,000 in each fiscal year, the Comptroller shall deposit the entire fee into the
24 Criminal Injuries Compensation Fund.

25 **(I) EACH CLERK OF A CIRCUIT COURT AND CLERK OF THE DISTRICT**
26 **COURT SHALL PAY THE FEES COLLECTED UNDER SUBSECTION (E) OF THIS**
27 **SECTION TO THE LAW ENFORCEMENT AGENCY PRIMARILY RESPONSIBLE FOR**
28 **SERVICE OF THE WARRANTS WITHIN THE JURISDICTION OF THE COURT.**

29 **[(g)] (J)** A political subdivision may not be held liable under any condition
30 for the payment of sums under this section.

31 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
32 October 1, 2008.