

HOUSE BILL 135

D1

11r0067

By: **Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)**

Introduced and read first time: January 25, 2011

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Courts and Judicial Proceedings – Crime Victims and Witnesses Funds –**
3 **Court Costs**

4 FOR the purpose of increasing certain costs imposed by a circuit court and the District
5 Court for certain crimes and offenses; and generally relating to costs in criminal
6 cases.

7 BY repealing and reenacting, with amendments,
8 Article – Courts and Judicial Proceedings
9 Section 7–409
10 Annotated Code of Maryland
11 (2006 Replacement Volume and 2010 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 7–409.

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

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

18 (i) A crime under Title 1, Subtitle 3, Title 3, Subtitle 7, or
19 § 4–123.1 of the Agriculture Article;

20 (ii) A crime under Title 19, Subtitle 2 or Subtitle 3 of the
21 Business Regulation Article;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (iii) A crime under Title 14, Subtitle 29, § 11–810, or § 14–1317
2 of the Commercial Law Article;

3 (iv) A crime under § 3–218, § 3–305(c)(2), § 3–409(a) or (c),
4 § 3–803(b), § 3–807(i), § 3–808(d), § 3–811(c), § 8–801, § 8–802, § 9–602(e),
5 § 11–702(d)(8), § 11–703(e)(5)(iii), § 11–708(d)(7)(ii), § 11–711(h)(2), § 11–712(c)(6)(ii),
6 § 11–715(g)(2), § 11–716(h)(2), § 11–723(b)(8), or § 11–726 of the Correctional Services
7 Article;

8 (v) A crime under the Criminal Law Article other than Title 8,
9 Subtitle 2, Part II or § 10–614;

10 (vi) A crime under the Criminal Procedure Article;

11 (vii) A crime under Title 5, Subtitle 10A of the Environment
12 Article;

13 (viii) A crime under § 5–503 of the Family Law Article;

14 (ix) A crime under Title 12, Subtitle 9 of the Financial
15 Institutions Article;

16 (x) A crime under Title 20, Subtitle 7 or § 21–259.1 of the
17 Health – General Article;

18 (xi) A crime under § 8–713.1, § 8–724.1, § 8–725.5, § 8–725.6, §
19 8–726.1, § 8–738.1, § 8–740.1, or § 10–411(b), as it relates to Harford County, or (d), as
20 it relates to Anne Arundel County or Caroline County, of the Natural Resources
21 Article;

22 (xii) A crime under Title 3, Subtitle 1 or Subtitle 5, Title 5,
23 Subtitle 1, Subtitle 2, Subtitle 3, or Subtitle 4, § 6–602, § 7–402, or § 12–701 of the
24 Public Safety Article;

25 (xiii) A crime under § 14–127 of the Real Property Article;

26 (xiv) A violation of the Transportation Article that is punishable
27 by imprisonment;

28 (xv) A crime under Article 2B, Title 22 or § 18–104 of the Code;

29 (xvi) A crime under Article 24, § 11–512, § 11–513, or § 11–514 of
30 the Code;

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

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

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

5 (xx) A crime at common law.

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

8 (b) In addition to any other costs required by law, a circuit court shall impose
9 on a defendant convicted of a crime an additional cost of [~~\$45~~] **\$60** in the case.

10 (c) In addition to any other costs required by law, the District Court shall
11 impose on a defendant convicted of a crime an additional cost of [~~\$35~~] **\$50** in the case.

12 (d) In addition to any other costs required by law, a court shall impose on a
13 defendant convicted of an offense an additional cost of [~~\$3~~] **\$5** in the case, including
14 cases in which the defendant elects to waive the right to trial and pay the fine or
15 penalty deposit established by the Chief Judge of the District Court by administrative
16 regulation.

17 (e) (1) All money collected under this section shall be paid to the
18 Comptroller of the State.

19 (2) The Comptroller shall deposit \$22.50 from each fee collected under
20 subsection (b) of this section from a circuit court and \$12.50 from each fee collected
21 under subsection (c) of this section from the District Court into the State Victims of
22 Crime Fund established under § 11–916 of the Criminal Procedure Article.

23 (3) The Comptroller shall deposit \$2.50 from each fee collected under
24 subsections (b) and (c) of this section into the Victim and Witness Protection and
25 Relocation Fund established under § 11–905 of the Criminal Procedure Article.

26 (4) The Comptroller shall deposit all other moneys collected under
27 subsections (b) and (c) of this section into the Criminal Injuries Compensation Fund
28 established under § 11–819 of the Criminal Procedure Article.

29 (f) (1) From the first \$500,000 in fees collected under subsection (d) of
30 this section in each fiscal year, the Comptroller shall deposit one–half of each fee into
31 the State Victims of Crime Fund and one–half of each fee into the Criminal Injuries
32 Compensation Fund.

33 (2) For fees collected under subsection (d) of this section in excess of
34 \$500,000 in each fiscal year, the Comptroller shall deposit the entire fee into the
35 Criminal Injuries Compensation Fund.

1 (g) A political subdivision may not be held liable under any condition for the
2 payment of sums under this section.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 July 1, 2011.