

HOUSE BILL 838

D1, D3

3lr2076
CF SB 640

By: **Delegates Dumais, Anderson, Cardin, Carter, Clippinger, Conaway, Frick, Haynes, Lafferty, Lee, McComas, McDermott, Mitchell, Oaks, V. Turner, Valderrama, Valentino-Smith, and Waldstreicher**

Introduced and read first time: February 7, 2013

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 16, 2013

CHAPTER _____

1 AN ACT concerning

2 **Civil Cases – Maryland Legal Services Corporation Fund – Surcharges –**
3 **~~Repeal~~ Extension of Termination Date**

4 FOR the purpose of ~~repealing~~ extending the termination date of certain provisions of
5 law altering certain surcharges on certain fees, charges, and costs in certain
6 civil cases and requiring a certain informational budget to be prepared for the
7 Maryland Legal Services Corporation and submitted to the General Assembly;
8 and generally relating to the Maryland Legal Services Corporation Fund.

9 BY repealing and reenacting, without amendments,
10 Article – Courts and Judicial Proceedings
11 Section 7–202(a)(1), (d), and (f) and 7–301(c)
12 Annotated Code of Maryland
13 (2006 Replacement Volume and 2012 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – Human Services
16 Section 11–208
17 Annotated Code of Maryland
18 (2007 Volume and 2012 Supplement)

19 BY repealing and reenacting, with amendments,
20 Chapter 486 of the Acts of the General Assembly of 2010

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 2

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

4 **Article – Courts and Judicial Proceedings**

5 7–202.

6 (a) (1) (i) The State Court Administrator shall determine the amount
7 of all court costs and charges for the circuit courts of the counties with the approval of
8 the Board of Public Works.

9 (ii) The fees and charges shall be uniform throughout the State.

10 (d) The State Court Administrator, as part of the Administrator's
11 determination of the amount of court costs and charges in civil cases, shall assess a
12 surcharge that:

13 (1) May not be more than \$55 per case; and

14 (2) Shall be deposited into the Maryland Legal Services Corporation
15 Fund established under § 11–402 of the Human Services Article.

16 (f) If a party in a proceeding feels aggrieved by any fee permitted under this
17 subtitle or by §§ 3–601 through 3–603 of the Real Property Article, the party may
18 request a judge of that circuit court to determine the reasonableness of the fee.

19 7–301.

20 (c) (1) The filing fees and costs in a civil case are those prescribed by law
21 subject to modification by law, rule, or administrative regulation.

22 (2) The Chief Judge of the District Court shall assess a surcharge that:

23 (i) May not be more than:

24 1. \$8 per summary ejectment case; and

25 2. \$18 per case for all other civil cases; and

26 (ii) Shall be deposited into the Maryland Legal Services
27 Corporation Fund established under § 11–402 of the Human Services Article.

28 (3) The Court of Appeals may provide by rule for waiver of
29 prepayment of filing fees and other costs in cases of indigency.

Article – Human Services

11–208.

(a) The executive director shall prepare an annual budget for the Corporation.

(b) (1) For informational purposes only, the Corporation shall submit its budget to the General Assembly in conjunction with the budget request of the Judicial Branch of the State government on November 1 of each year.

(2) The informational budget required under this subsection shall include 3 years of data, including the most recently completed fiscal year, an estimate for the current fiscal year, and an estimate for the next fiscal year, including:

(i) a summary of total expenditures and the sources of revenue that support that spending;

(ii) line item expenditure detail for personnel, operating expenses, and grants, including individual grantees;

(iii) narrative explanation of all revenue and spending changes between the current fiscal year and the next fiscal year;

(iv) performance measurement data that details the use of funds; and

(v) detail on the Corporation's reserve fund, including actual and estimated end of fiscal year balances, transfers to and from the reserve fund, and the policies governing the reserve fund.

Chapter 486 of the Acts of 2010

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010. ~~It shall remain effective for a period of 8 years and, at the end of June 30, 2018, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2013.