

**Department of Legislative Services**  
Maryland General Assembly  
2013 Session

**FISCAL AND POLICY NOTE**

House Bill 382  
Judiciary

(Delegate Niemann)

Judicial Proceedings

**Courts and Judicial Proceedings - Criminal Injuries Compensation Fund - Court Costs**

This bill requires the imposition of court costs if a defendant is sentenced to probation before judgment (PBJ) for or pleads *nolo contendere* to a crime or offense.

The bill takes effect July 1, 2013.

**Fiscal Summary**

**State Effect:** None. The bill codifies current practice.

**Local Effect:** None.

**Small Business Effect:** None.

**Analysis**

**Current Law:** Statutory language establishes that court costs are imposed on a defendant convicted of a crime in the amount of \$45 for the circuit court and \$35 for the District Court. An additional court cost, in the amount of \$3, is imposed on a defendant convicted of an offense involving certain motor vehicle offenses in the District Court.

Maryland Rule 4-353 establishes that unless otherwise ordered by the court, a judgement of conviction, an order accepting a plea of *nolo contendere*, or a disposition by probation before judgement must include an assessment of costs against the defendant.

The Comptroller deposits \$22.50 from each fee collected in the circuit courts and \$12.50 from each fee collected in District Court (excluding fees from motor vehicle cases that are not punishable by imprisonment) into the State Victims of Crime Fund (SVCF), a special fund used for carrying out statutory guidelines for treatment and assistance to victims of crime and delinquent acts. The State Board of Victims Services in the

Governor's Office of Crime Control and Prevention is responsible for administering the fund.

The Comptroller deposits \$2.50 from each fee collected in circuit courts and the District Court (excluding fees from motor vehicle cases that are not punishable by imprisonment) to the Victim and Witness Protection and Relocation Fund (VWPRF). This is a special fund used to carry out the Victim and Witness Protection and Relocation Program which is administered by the State's Attorneys' coordinator.

All other monies from these fees are deposited into the Criminal Injuries Compensation Fund (CICF), a special fund within the Department of Public Safety and Correctional Services, that provides financial assistance for innocent victims of crime. The fund is administered by the Criminal Injuries Compensation Board.

CICF and SVCF share the first \$500,000 attained from the \$3 assessed in the District Court for motor vehicle cases that are not punishable by imprisonment. After the \$500,000 threshold is reached and each fund has acquired \$250,000, CICF receives the remainder of revenue from these fees.

In addition to monies transferred to CICF under the Criminal Injuries Compensation Act, the Comptroller is required to annually transfer \$500,000 to CICF and \$125,000 to VWPRF, which must be in addition to the transfers cited above and which is also drawn from court costs in criminal and traffic cases in the District Court.

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### **Additional Information**

**Prior Introductions:** HB 453 of 2012 passed the House and was referred to the Senate Judicial Proceedings Committee, but no further action was taken. Its cross file, SB 645, received an unfavorable report from the Senate Judicial Proceedings Committee.

**Cross File:** None.

**Information Source(s):** Governor's Office of Crime Control and Prevention, Comptroller's Office, Judiciary (Administrative Office of the Courts), Department of Legislative Services

**Fiscal Note History:** First Reader - February 1, 2013  
ncs/kdm

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