

# HOUSE BILL 108

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CF SB 32

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By: **Chair, Judiciary Committee (By Request – Maryland Judicial Conference)**

Introduced and read first time: January 9, 2014

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Circuit Court Real Property Records Improvement Fund – Funding**

3 FOR the purpose of requiring the State Court Administrator to assess a certain  
4 surcharge on certain fees, charges, and costs in certain cases in the Court of  
5 Appeals, Court of Special Appeals, and circuit courts; requiring the Chief Judge  
6 of the District Court to assess a certain surcharge in certain cases; requiring the  
7 surcharges to be deposited in the Circuit Court Real Property Records  
8 Improvement Fund; and generally relating to the Circuit Court Real Property  
9 Records Improvement Fund.

10 BY repealing and reenacting, with amendments,  
11 Article – Courts and Judicial Proceedings  
12 Section 7–102, 7–202(e) and (f), 7–301(c), and 13–603(a)  
13 Annotated Code of Maryland  
14 (2013 Replacement Volume and 2013 Supplement)

15 BY repealing and reenacting, without amendments,  
16 Article – Courts and Judicial Proceedings  
17 Section 7–202(d) and 13–603(c)  
18 Annotated Code of Maryland  
19 (2013 Replacement Volume and 2013 Supplement)

20 BY adding to  
21 Article – Courts and Judicial Proceedings  
22 Section 7–202(e)  
23 Annotated Code of Maryland  
24 (2013 Replacement Volume and 2013 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Courts and Judicial Proceedings**

2 7–102.

3 **(A)** The State Court Administrator shall determine the amount of fees to be  
4 charged by the Clerk of the Court of Appeals and the Clerk of the Court of Special  
5 Appeals, with the approval of the Board of Public Works.

6 **(B) THE STATE COURT ADMINISTRATOR, AS PART OF THE**  
7 **ADMINISTRATOR’S DETERMINATION OF THE AMOUNT OF FEES TO BE CHARGED**  
8 **BY THE CLERK OF THE COURT OF APPEALS AND THE CLERK OF THE COURT OF**  
9 **SPECIAL APPEALS, SHALL ASSESS A SURCHARGE THAT SHALL BE:**

10 **(1) \$11 PER CASE; AND**

11 **(2) DEPOSITED INTO THE CIRCUIT COURT REAL PROPERTY**  
12 **RECORDS IMPROVEMENT FUND ESTABLISHED UNDER § 13–602 OF THIS**  
13 **ARTICLE.**

14 7–202.

15 **(d)** The State Court Administrator, as part of the Administrator’s  
16 determination of the amount of court costs and charges in civil cases, shall assess a  
17 surcharge that:

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

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

21 **(E) (1) IN ADDITION TO THE SURCHARGE ASSESSED UNDER**  
22 **SUBSECTION (D) OF THIS SECTION, THE STATE COURT ADMINISTRATOR, AS**  
23 **PART OF THE ADMINISTRATOR’S DETERMINATION OF THE AMOUNT OF COURT**  
24 **COSTS AND CHARGES IN CIVIL CASES, SHALL ASSESS A SURCHARGE THAT:**

25 **(I) 1. EXCEPT AS PROVIDED IN ITEM 2 OF THIS ITEM,**  
26 **SHALL BE \$30 PER CASE; AND**

27 **2. EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
28 **SUBSECTION, SHALL BE \$6 TO REOPEN ANY CIVIL CASE; AND**

29 **(II) SHALL BE DEPOSITED INTO THE CIRCUIT COURT REAL**  
30 **PROPERTY RECORDS IMPROVEMENT FUND ESTABLISHED UNDER § 13–602 OF**  
31 **THIS ARTICLE.**



1 (ii) The revenue generated from the surcharge on filing fees  
2 collected by the District Court in Baltimore City under subparagraph (i) of this  
3 paragraph shall be:

4 1. Remitted quarterly to the Baltimore City Director of  
5 Finance; and

6 2. Used to fund the enhancement of sheriff benefits and  
7 the increase in sheriff personnel to enhance the service of domestic violence orders.

8 **(4) IN ADDITION TO THE SURCHARGE ASSESSED UNDER**  
9 **PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THE CHIEF JUDGE OF THE**  
10 **DISTRICT COURT SHALL ASSESS A SURCHARGE THAT:**

11 **(I) MAY NOT BE MORE THAN:**

12 1. **\$3 PER SUMMARY EJECTMENT CASE; AND**

13 2. **\$8 PER CASE FOR ALL OTHER CIVIL CASES; AND**

14 **(II) SHALL BE DEPOSITED INTO THE CIRCUIT COURT REAL**  
15 **PROPERTY RECORDS IMPROVEMENT FUND ESTABLISHED UNDER § 13-602 OF**  
16 **THIS ARTICLE.**

17 **[(4)] (5)** The Court of Appeals may provide by rule for waiver of  
18 prepayment of filing fees and other costs in cases of indigency.

19 13-603.

20 (a) The Fund consists of:

21 (1) Surcharges collected under **[\$ 13-604] §§ 7-102(B), 7-202(E),**  
22 **AND 7-301(C)(4) OF THIS ARTICLE AND § 13-604** of this subtitle; and

23 (2) Revenues from copies made on equipment bought through the  
24 Fund.

25 (c) The Fund shall be used to pay:

26 (1) The operating expenses of the land records offices of the clerks of  
27 the circuit courts and to repair, replace, improve, modernize, and update office  
28 equipment and equipment related services in the land records office of the clerk of the  
29 circuit court for each county, as the Administrator considers appropriate, with advice  
30 from the oversight committee; and

1                   (2) For major information technology development projects of the  
2 Judiciary Department, as the Administrator considers appropriate.

3                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 July 1, 2014.