

SENATE BILL 1005

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4r3230
CF HB 803

By: **Senator Forehand**

Introduced and read first time: February 12, 2014

Assigned to: Rules

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; increasing the amount of money from
6 certain fees collected by a circuit court and the District Court that the
7 Comptroller must deposit into the State Victims of Crime Fund; excluding
8 certain fees collected under this Act from a certain calculation relating to the
9 amount of money that the Comptroller must deposit into the Criminal Injuries
10 Compensation Fund and the State Victims of Crime Fund; and generally
11 relating to court costs in certain criminal cases.

12 BY repealing and reenacting, with amendments,
13 Article – Courts and Judicial Proceedings
14 Section 7–409
15 Annotated Code of Maryland
16 (2013 Replacement Volume and 2013 Supplement)

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

19 **Article – Courts and Judicial Proceedings**

20 7–409.

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

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

23 (i) A crime under Title 1, Subtitle 3, Title 3, Subtitle 7, or §
24 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;

1 (xvi) A crime under § 13–118(d), § 13–120(d), § 13–121(g), §
2 13–123(e), § 13–124(d), § 13–129(g), § 13–131(c), or § 13–133(d) of the Local
3 Government Article;

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

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

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

10 (xx) A crime at common law.

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

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

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

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

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

24 (2) The Comptroller shall deposit [~~\$22.50~~] **\$37.50** from each fee
25 collected under subsection (b) of this section from a circuit court [~~and \$12.50~~], **\$27.50**
26 from each fee collected under subsection (c) of this section from the District Court,
27 **AND \$2 FROM EACH FEE COLLECTED UNDER SUBSECTION (D) OF THIS SECTION**
28 into the State Victims of Crime Fund established under § 11–916 of the Criminal
29 Procedure Article.

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

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

4 (f) (1) From the first \$500,000 in fees collected under subsection (d) of
5 this section in each fiscal year, **BUT NOT DEPOSITED UNDER SUBSECTION (E)(2) OF**
6 **THIS SECTION**, the Comptroller shall deposit one–half of each fee into the State
7 Victims of Crime Fund and one–half of each fee into the Criminal Injuries
8 Compensation Fund.

9 (2) For fees **IN EXCESS OF \$500,000** collected under subsection (d) of
10 this section in each fiscal year, **[in excess of \$500,000] BUT NOT DEPOSITED UNDER**
11 **SUBSECTION (E)(2) OF THIS SECTION**, the Comptroller shall deposit the entire fee
12 into the Criminal Injuries Compensation Fund.

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

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