

HOUSE BILL 54

D1
HB 108/14 – JUD

5lr1028
CF 5lr1263

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

Introduced and read first time: January 19, 2015

Assigned to: Judiciary

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

9 BY repealing and reenacting, with amendments,
10 Article – Courts and Judicial Proceedings
11 Section 7–102, 7–202(e) and (f), 7–301(c), and 13–603(a)
12 Annotated Code of Maryland
13 (2013 Replacement Volume and 2014 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – Courts and Judicial Proceedings
16 Section 7–202(d) and 13–603(c)
17 Annotated Code of Maryland
18 (2013 Replacement Volume and 2014 Supplement)

19 BY adding to
20 Article – Courts and Judicial Proceedings
21 Section 7–202(e)
22 Annotated Code of Maryland
23 (2013 Replacement Volume and 2014 Supplement)

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

26 **Article – Courts and Judicial Proceedings**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 7-102.

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

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

9 (1) \$11 PER CASE; AND

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

12 7-202.

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

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

16 (2) Shall be deposited into the Maryland Legal Services Corporation Fund
17 established under § 11-402 of the Human Services Article.

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

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

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

26 (II) SHALL BE DEPOSITED INTO THE CIRCUIT COURT REAL
27 PROPERTY RECORDS IMPROVEMENT FUND ESTABLISHED UNDER § 13-602 OF THIS
28 ARTICLE.

29 (2) A SURCHARGE MAY NOT BE ASSESSED UNDER THIS SUBSECTION
30 TO REOPEN A CASE BROUGHT BY A PETITIONER UNDER TITLE 4, SUBTITLE 5 OF THE
31 FAMILY LAW ARTICLE.

1 **[(e)] (F)** The State Court Administrator shall:

2 (1) Assess a \$100 fee for the special admission of an out-of-state attorney
3 under § 10–215 of the Business Occupations and Professions Article; and

4 (2) Pay \$75 of the fee to the Janet L. Hoffman Loan Assistance Repayment
5 Program established under § 18–1502 of the Education Article.

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

9 7–301.

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

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

13 (i) May not be more than:

14 1. \$8 per summary ejectment case; and

15 2. \$18 per case for all other civil cases; and

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

18 (3) (i) In addition to the surcharge assessed under paragraph (2) of this
19 subsection, the Chief Judge of the District Court shall assess a surcharge that may not be
20 more than \$10 per case for the following cases filed in Baltimore City:

21 1. Summary ejectment;

22 2. Tenant holding over;

23 3. Breach of lease; and

24 4. Warrant of restitution.

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

27 1. Remitted quarterly to the Baltimore City Director of
28 Finance; and

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

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

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

7 1. **\$3 PER SUMMARY EJECTMENT CASE; AND**

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

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

12 **[(4)] (5)** The Court of Appeals may provide by rule for waiver of
13 prepayment of filing fees and other costs in cases of indigency.

14 13-603.

15 (a) The Fund consists of:

16 (1) Surcharges collected under [~~§ 13-604~~] **§§ 7-102(B), 7-202(E), AND**
17 **7-301(C)(4) OF THIS ARTICLE AND § 13-604** of this subtitle; and

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

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

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

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

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
28 1, 2015.