

SENATE BILL 378

D1, D2

7lr1965
CF 7lr2984

By: **Senators Norman, Feldman, Lee, and Manno**

Introduced and read first time: January 26, 2017

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Clerk of Court – Prohibition Against Ruling**

3 FOR the purpose of prohibiting a clerk of a court from ruling on any motion or application;
4 and generally relating to a clerk of the court.

5 BY repealing and reenacting, with amendments,
6 Article – Courts and Judicial Proceedings
7 Section 2–201
8 Annotated Code of Maryland
9 (2013 Replacement Volume and 2016 Supplement)

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

12 **Article – Courts and Judicial Proceedings**

13 2–201.

14 (a) The clerk of a court shall:

15 (1) Have custody of the books, records, and papers of his office;

16 (2) Make proper legible entries of all proceedings of the court and keep
17 them in well-bound books or other permanent form;

18 (3) When requested in writing to do so, record any paper filed with his office
19 and required by law to be recorded in the appropriate place, whether or not the title to land
20 is involved;

21 (4) Unless prohibited by law or order of court, provide copies of records or
22 papers in his custody to a person requesting a copy, under the seal of the court if required;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (5) Issue all writs which may legally be issued from the court;
- 2 (6) Deliver a full statement of the costs of a suit to a party requesting a
3 copy;
- 4 (7) Receive all books, documents, public letters, and packages sent to him
5 pursuant to law, and carefully dispose of them as the law requires;
- 6 (8) Administer an oath;
- 7 (9) Replace worn books and records with new ones;
- 8 (10) In conjunction with the Motor Vehicle Administrator, establish uniform
9 procedures for reporting both traffic cases and criminal cases involving a motor vehicle in
10 the circuit court to the Motor Vehicle Administration; and
- 11 (11) Perform any other duty required by law or rule.

12 (b) Unless otherwise provided by law, a clerk is not required to record any paper
13 filed with him or to provide any person with a copy of a paper until the applicable charge
14 has been paid.

15 **(C) THE CLERK OF A COURT MAY NOT RULE ON ANY MOTION OR**
16 **APPLICATION.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2017.