

HB0031/638676/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 31
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike beginning with “**and**” in line 2 down through “**Provisions**” in line 3 and substitute “– Amounts and Special Fund”; in line 7, before “certain” insert “a”; in the same line, strike “funds” and substitute “fund”; in lines 9, 12, and 13, in each instance, strike “under certain circumstances”; in line 14, after “Court,” insert “providing for the termination of certain provisions of this Act; providing for a delayed effective date for certain provisions of this Act”; strike beginning with “establishing” in line 14 down through “term;” in line 23; and in line 24, strike “special funds” and substitute “a special fund”.

On page 2, in line 3, strike “7–301(c)” and substitute “7–301(c)(2)”; and after line 5, insert:

“BY repealing and reenacting, without amendments,
Article - Courts and Judicial Proceedings
Section 7-301(c)(1)
Annotated Code of Maryland
(2020 Replacement Volume)”.

On pages 2 and 3, strike in their entirety the lines beginning with line 6 on page 2 through line 2 on page 3, inclusive.

AMENDMENT NO. 2

On page 3, strike beginning with “a” in line 8 down through “Shall” in line 10 and substitute “A SURCHARGE OF \$85 PER CASE, WHICH SHALL”; strike beginning with “that” in line 16 down through “**\$68**” in line 18 and substitute “:

(I) 1. OF \$8”;

(Over)

**HB0031/638676/1 Judicial Proceedings Committee
Amendments to HB 31
Page 2 of 5**

strike beginning with “**WHICH**” in line 18 down through “**OR**” in line 25 and substitute “**;****AND**”; and in line 26, strike “**\$28**” and substitute “**OF \$28**”.

On pages 3 and 4, strike beginning with “**WHICH**” in line 26 on page 3 down through “**YEAR.**” in line 4 on page 4 and substitute “**;****AND**”

(II) WHICH SHALL BE DEPOSITED INTO THE MARYLAND LEGAL SERVICES CORPORATION FUND ESTABLISHED UNDER § 11-402 OF THE HUMAN SERVICES ARTICLE.”.

On pages 4 through 8, strike in their entirety the lines beginning with line 10 on page 4 through in line 13 on page 8 and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

7-202.

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

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

(2) Shall] AN \$85 SURCHARGE PER CASE, WHICH SHALL be deposited into the Maryland Legal Services Corporation Fund established under § 11-402 of the Human Services Article.

**HB0031/638676/1 Judicial Proceedings Committee
Amendments to HB 31
Page 3 of 5**

7-301.

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

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

(i) May not be more than:

1. \$8] OF:

(I) \$50 per summary ejectment case[; and], WHICH SHALL BE DEPOSITED AS FOLLOWS:

1. \$33 INTO THE ACCESS TO COUNSEL SPECIAL FUND; AND

2. \$17 INTO THE MARYLAND LEGAL SERVICES FUND ESTABLISHED UNDER § 11-401 OF THE HUMAN SERVICES ARTICLE; AND

[2.] (II) [\$18] \$28 per case for all other civil cases [; and

(ii) Shall], WHICH SHALL be deposited into the Maryland Legal Services Corporation Fund established under § 11-402 of the Human Services Article.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(1) the surcharge assessed by the District Court per summary ejectment case under § 7-301(c)(i) of the Courts Article, as enacted by Section 2 of this Act, may not be passed on to a tenant by the court or by a landlord;

(Over)

HB0031/638676/1 Judicial Proceedings Committee
Amendments to HB 31
Page 4 of 5

(2) a landlord may not include in a residential lease a provision that provides that a tenant is responsible for, or requires a tenant to agree to be responsible for, payment of the summary ejectment surcharge under § 7-301(c)(i) of the Courts Article, as enacted by Section 2 of this Act; and

(3) a landlord may not request in a complaint for summary ejectment the surcharge assessed under § 7-301(c)(i) of the Courts Article, as enacted by Section 2 of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

7–202.

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

(1) May not be more than \$55] OF \$85 per case, [; and

(2) Shall] WHICH SHALL be deposited into the Maryland Legal Services Corporation Fund established under § 11–402 of the Human Services Article.

7–301.

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

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

(i) [May not be more than:]

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

HB0031/638676/1 Judicial Proceedings Committee
Amendments to HB 31
Page 5 of 5

2. [\$18] OF \$28 per case for all other civil cases; and

(ii) [Shall] WHICH SHALL be deposited into the Maryland Legal Services Corporation Fund established under § 11–402 of the Human Services Article.

SECTION 5. AND BE IT FURTHER ENACTED, That Sections 2 and 3 of this Act shall take effect October 1, 2021, contingent on the taking effect of Chapter _____ or (S.B. 154 or H.B. 18) of the Acts of the General Assembly of 2021, and if Chapter _____ or (S.B. 154 or H.B. 18) does not take effect, Sections 2 and 3 of this Act, with no further action required by the General Assembly, shall be null and void.

SECTION 6. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect contingent on the failure of Chapter _____ or (S.B. 154 or H.B. 18) of the Acts of the General Assembly of 2021, and if Chapter _____ or (S.B. 154 or H.B. 18) takes effect, Section 1 of this Act, with no further action required by the General Assembly, shall be null and void.

SECTION 7. AND BE IT FURTHER ENACTED, That Section 4 of this Act shall take effect October 1, 2024, contingent on the taking effect of Sections 2 and 3 of this Act, and if Sections 2 and 3 of this Act do not take effect, Section 4 of this Act, with no further action required by the General Assembly, shall be null and void.

SECTION 8. AND BE IT FURTHER ENACTED, That, subject to Sections 5, 6, and 7 of this Act, this Act shall take effect”;

and in line 14, after the period insert “If Sections 2 and 3 of this Act take effect, they shall remain effective for a period of 3 years and, at the end of September 30, 2024, Sections 2 and 3 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.”.