

# HOUSE BILL 744

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By: **Delegate Dumais**

Introduced and read first time: January 29, 2021

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Courts – Counsel Appearance Fees – Domestic Violence**

3 FOR the purpose of prohibiting the clerk of a circuit court from collecting fees for docketing  
4 the appearance of a petitioner’s counsel in certain domestic violence cases; and  
5 generally relating to counsel appearance fees in domestic violence actions.

6 BY repealing and reenacting, with amendments,  
7 Article – Courts and Judicial Proceedings  
8 Section 7–204  
9 Annotated Code of Maryland  
10 (2020 Replacement Volume)

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

13 **Article – Courts and Judicial Proceedings**

14 7–204.

15 (a) (1) Except in Montgomery County and except as provided in **SUBSECTION**  
16 **(C) OF THIS SECTION**, IN paragraph (2) of this subsection for Baltimore County, in  
17 paragraph (3) of this subsection for St. Mary’s County, in paragraph (4) of this subsection  
18 for Baltimore City, in paragraph (5) of this subsection for Harford County, in paragraph (6)  
19 of this subsection for Carroll County, and in paragraph (7) of this subsection for Calvert  
20 County, the clerk of each circuit court shall:

21 (i) Collect, in advance, a \$10 fee for docketing the appearance of  
22 counsel when bringing or defending a civil action in the court;

23 (ii) Charge as costs a \$10 fee for docketing the appearance of counsel

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 when prosecuting or defending a criminal action in the court; and

2 (iii) Collect, in advance, a \$10 fee for docketing the appearance of  
3 counsel when bringing or defending a case in the Court of Appeals.

4 (2) The Clerk of the Circuit Court for Baltimore County shall:

5 (i) Collect, in advance, the following fee for docketing the  
6 appearance of counsel when bringing or defending a civil action:

7 1. A \$20 fee for an action, including the collection of money  
8 due on mortgage, in a court of equity; and

9 2. A \$10 fee for an action at law in a court of original  
10 jurisdiction;

11 (ii) Charge as costs the following fee for docketing the appearance of  
12 counsel when bringing or defending a criminal action:

13 1. If the punishment for the offense charged is death or  
14 confinement in the State penitentiary, a \$20 fee; and

15 2. For any other criminal action, a \$10 fee; and

16 (iii) Collect, in advance, a \$20 fee for docketing the appearance of  
17 counsel when bringing or defending a case in the Court of Appeals.

18 (3) The Clerk of the Circuit Court for St. Mary's County shall collect, in  
19 advance, a \$10 fee for docketing the appearance of counsel when bringing or defending a  
20 civil action in the court.

21 (4) The Clerk of the Circuit Court for Baltimore City shall:

22 (i) Collect, in advance, a \$20 fee for docketing the appearance of  
23 counsel when bringing or defending a civil action in the court;

24 (ii) Charge as costs the following fee for docketing the appearance of  
25 counsel when bringing or defending a criminal action:

26 1. If the punishment for the offense charged is death or  
27 confinement in the State penitentiary, a \$20 fee; and

28 2. For any other criminal action, a \$10 fee; and

29 (iii) Collect, in advance, a \$20 fee for docketing the appearance of  
30 counsel when bringing or defending a case in the Court of Appeals.

1           (5)    The Clerk of the Circuit Court for Harford County shall:

2                   (i)    Collect, in advance, a \$20 fee for docketing the appearance of  
3 counsel when bringing or defending a civil action in the court;

4                   (ii)   Charge as costs a \$20 fee for docketing the appearance of counsel  
5 when prosecuting or defending a criminal action in the court; and

6                   (iii)   Collect, in advance, a \$20 fee for docketing the appearance of  
7 counsel when bringing or defending a case in the Court of Appeals.

8           (6)    The Clerk of the Circuit Court for Carroll County shall:

9                   (i)    Collect, in advance, a \$20 fee for docketing the appearance of  
10 counsel when bringing or defending a civil action in the court;

11                   (ii)   Charge as costs a \$20 fee for docketing the appearance of counsel  
12 when prosecuting or defending a criminal action in the court; and

13                   (iii)   Collect, in advance, a \$20 fee for docketing the appearance of  
14 counsel when bringing or defending a case in the Court of Appeals.

15           (7)    The Clerk of the Circuit Court for Calvert County shall:

16                   (i)    Collect, in advance, a \$20 fee for docketing the appearance of  
17 counsel when bringing or defending a civil action in the court;

18                   (ii)   Charge as costs a \$20 fee for docketing the appearance of counsel  
19 when prosecuting or defending a criminal action in the court; and

20                   (iii)   Collect, in advance, a \$20 fee for docketing the appearance of  
21 counsel when bringing or defending a case in the Court of Appeals.

22           (b)    (1)   If more than one stockholder, partner, member, or employee of a  
23 corporation, partnership, limited liability company, or other entity engaged in practicing  
24 law enters an appearance in an action or a case, the clerk of the circuit court may collect  
25 only one appearance fee per entity.

26                   (2)   If more than one employee of a governmental entity that has consented  
27 to the assessment of fees under § 7-202(b) of this subtitle enters an appearance in an action  
28 or a case, the clerk of the circuit court may assess only one appearance fee per governmental  
29 entity.

30           (c)    **A FEE MAY NOT BE COLLECTED UNDER THIS SECTION FOR DOCKETING**  
31 **THE APPEARANCE OF A PETITIONER'S COUNSEL IN A CASE FILED UNDER TITLE 4,**  
32 **SUBTITLE 5 OF THE FAMILY LAW ARTICLE.**

1           **[(c)] (D)**       (1)     The Clerk of the Circuit Court for Allegany County shall deposit  
2 monthly all appearance fees collected by the Clerk under this section into a special account  
3 to be known as the Allegany County Law Library Fund.

4           (2)     The Fund shall be used only for the general use of the Circuit Court  
5 Law Library for the acquisition of books and other publications, library equipment, and for  
6 other necessary expenses, as determined by the County Administrative Judge.

7           **[(d)] (E)**       (1)     The Clerk of the Circuit Court for Anne Arundel County shall  
8 transmit to the county all appearance fees collected by the Clerk under this section to be  
9 used for the general purposes of the court library and assignment office and for the  
10 maintenance and improvement of the court's facilities, equipment, and programs. These  
11 purposes include, but are not limited to, the necessary expenses for books, legal  
12 publications, library equipment, and the services of the library and other personnel.

13           (2)     Expenditures for the library are not to be limited to this fund if the  
14 same should be deemed insufficient by the County Administrative Judge.

15           **[(e)] (F)**       (1)     The Clerk of the Circuit Court for Baltimore City shall transmit  
16 on a monthly basis all appearance fees collected by the Clerk under this section to the  
17 Library Company of the Baltimore Bar to be used for the general purposes of the bar  
18 library.

19           (2)     The Library Company shall file an annual financial report with the  
20 Director of the Administrative Office of the Circuit Court for Baltimore City and with the  
21 Director of Finance of Baltimore City.

22           (3)     Baltimore City and court employees may use the library in connection  
23 with official duties without charge.

24           **[(f)] (G)**       The Clerk of the Circuit Court for Baltimore County shall transmit to  
25 the county all appearance fees collected by the Clerk under this section to be used for the  
26 general purposes of the court library of the county. These purposes include the necessary  
27 expenses for books and library equipment and the services of the librarian.

28           **[(g)] (H)**       (1)     The Clerk of the Circuit Court for Calvert County shall deposit  
29 monthly all appearance fees collected by the Clerk under this section into a special account  
30 to be known as the Calvert County Law Library Fund.

31           (2)     The Fund shall be used for the general purposes of the court library and  
32 assignment office and for the maintenance and improvement of the court's facilities,  
33 equipment, and programs.

34           (3)     The purposes specified under paragraph (2) of this subsection include  
35 the acquisition of books, other publications, and library equipment, payment for services of  
36 library and other personnel, and other necessary expenses, as determined by the County  
37 Administrative Judge.

1           **[(h)] (I)**       (1)     The Clerk of the Circuit Court for Caroline County shall deposit  
2 monthly all appearance fees collected by the Clerk under this section into a special account  
3 to be known as the Law Library Fund.

4                       (2)     The Fund shall be used only for the law library of Caroline County upon  
5 recommendation of the Caroline County Bar Association.

6           **[(i)] (J)**       The Clerk of the Circuit Court for Carroll County shall retain all  
7 appearance fees collected by the Clerk under this section for the general use of the court  
8 library of the county, including expenses for books and library equipment.

9           **[(j)] (K)**       The Clerk of the Circuit Court for Cecil County shall retain all  
10 appearance fees collected by the Clerk under this section for the general use of the court  
11 library of the county, including expenses for books and library equipment, and for other  
12 charitable and educational purposes authorized under § 7-507 of this title or other  
13 applicable law.

14           **[(k)] (L)**       (1)     The Clerk of the Circuit Court for Charles County shall deposit  
15 monthly all appearance fees collected by the Clerk under this section into a special account  
16 to be known as the Charles County Law Library Fund.

17                       (2)     The Fund shall be used only for the general use of the Circuit Court  
18 Law Library for the acquisition of books and other publications, library equipment, and for  
19 other necessary expenses, as determined by the County Administrative Judge.

20           **[(l)] (M)**       The Clerk of the Circuit Court for Dorchester County shall deposit  
21 monthly all appearance fees collected by the Clerk under this section into a special account  
22 to be known as “the Court and Bar Library Account”. The Account shall be for the general  
23 use of the Court Library and for the maintenance and improvement of the court’s facilities  
24 and equipment, subject to the approval of the resident circuit court judge.

25           **[(m)] (N)**       (1)     The Clerk of the Circuit Court for Frederick County shall deposit  
26 monthly all appearance fees collected by the Clerk under this section into a special account  
27 to be known as the Frederick County Law Library Fund.

28                       (2)     The Fund shall be used only for the general use of the Circuit Court  
29 Law Library for the acquisition of books and other publications, library equipment, and for  
30 other necessary expenses, as determined by the County Administrative Judge.

31           **[(n)] (O)**       (1)     The Clerk of the Circuit Court for Garrett County shall deposit  
32 monthly all appearance fees collected by the Clerk under this section into a special account  
33 to be known as the Garrett County Law Library Fund.

34                       (2)     The Fund shall be used only for the acquisition of books and other  
35 publications, library equipment, and for other necessary expenses, as determined by the

1 County Administrative Judge.

2 **[(o)] (P)** The Clerk of the Circuit Court for Harford County shall retain all  
3 appearance fees collected by the Clerk under this section for the general use of the court  
4 library of the county, including the necessary expenses for books and library equipment  
5 and the cost for the services of a librarian.

6 **[(p)] (Q)** The Clerk of the Circuit Court for Howard County shall deposit all  
7 appearance fees collected by the Clerk pursuant to this section into a special account to be  
8 known and designated as “the Law Library Fund”. The Fund shall be used for the general  
9 purposes of the court library of the county, including the necessary expenses for books and  
10 library equipment.

11 **[(q)] (R)** (1) The Clerk of the Circuit Court for Kent County shall deposit all  
12 appearance fees collected by the Clerk under this section into a special account known as  
13 the “Kent County Bar Library” Account.

14 (2) These fees, together with other funds, shall be disbursed:

15 (i) If approved or considered necessary by the Administrative Judge  
16 of the Circuit Court for Kent County;

17 (ii) For the acquisition and maintenance of legal publications; or

18 (iii) For the compensation of the librarian of the Kent County Bar  
19 Library in the amount established in the Second Judicial Circuit Order, relating to the  
20 appointment and compensation of the law librarian of the Second Judicial Circuit Courts.

21 **[(r)] (S)** (1) The Clerk of the Circuit Court for Prince George’s County shall  
22 transmit to the county all appearance fees collected by the Clerk under this section to be  
23 used for the general purposes of the court library and assignment office and for the  
24 maintenance and improvement of the court’s facilities, equipment, and programs. These  
25 purposes include, but are not limited to, the necessary expenses for books, legal  
26 publications, library equipment, and the services of the library and other personnel.

27 (2) Expenditures for the library are not limited to this fund if the same  
28 should be deemed insufficient by the County Administrative Judge.

29 **[(s)] (T)** (1) The Clerk of the Circuit Court for Queen Anne’s County shall  
30 distribute all appearance fees collected by the Clerk under this section to the Queen Anne’s  
31 County Bar Association.

32 (2) The Queen Anne’s County Bar Association shall retain the fees in a  
33 separate Law Library Fund.

34 (3) The Queen Anne’s County Bar Association, with the approval of the  
35 County Administrative Judge, may make distributions from the Law Library Fund for the

1 purchase and maintenance of legal publications and equipment for the county law library.

2 (4) All property acquired under this section shall be used and maintained  
3 as part of the county law library.

4 ~~[(t)]~~ **(U)** (1) The Clerk of the Circuit Court for St. Mary's County shall  
5 transmit to the county each month all appearance fees collected by the Clerk under this  
6 section.

7 (2) The county shall maintain the appearance fees in a special account to  
8 be known as the St. Mary's County Law Library Fund.

9 (3) The Fund shall be used only for the general use of the Circuit Court  
10 Law Library for the acquisition of books and other publications, library equipment, and for  
11 other necessary expenses, as determined by the County Administrative Judge.

12 ~~[(u)]~~ **(V)** The Clerk of the Circuit Court for Somerset County shall deposit  
13 monthly all appearance fees collected by the Clerk under this section into a special account  
14 to be known as "the Court and Bar Library Account". The Account shall be for the general  
15 use of the court library and for the maintenance and improvement of the court's facilities  
16 and equipment, subject to the approval of the resident circuit court judge.

17 ~~[(v)]~~ **(W)** The Clerk of the Circuit Court for Talbot County shall transmit on a  
18 monthly basis all appearance fees collected by the Clerk under this section to the County  
19 Bar Library Fund to be used for the general purposes of the bar library.

20 ~~[(w)]~~ **(X)** (1) The Clerk of the Circuit Court for Washington County shall  
21 deposit monthly all appearance fees collected under this section into a special account to be  
22 known as the Washington County Court Library Fund.

23 (2) The Fund shall be used only for the general use of the county court  
24 library including books, library equipment, librarian services, and other necessary  
25 expenses as determined by the County Administrative Judge.

26 ~~[(x)]~~ **(Y)** (1) The Clerk of the Circuit Court for Wicomico County shall deposit  
27 not less than monthly all appearance fees collected by the Clerk under this section into a  
28 special account to be known as the "Court and Bar Library Account".

29 (2) The Account shall be for the general use of the court library and for the  
30 maintenance and improvement of the court's facilities and equipment.

31 (3) Funds in the Account shall be disbursed on the approval of the County  
32 Administrative Judge.

33 ~~[(y)]~~ **(Z)** The Clerk of the Circuit Court for Worcester County shall deposit  
34 monthly all appearance fees collected by the Clerk under this section into a special account

1 to be known as the “Court and Bar Library Account”. The Account shall be for the general  
2 use of the court library and for the maintenance and improvement of the court’s facilities  
3 and equipment, and together with other funds in the Account, shall be disbursed upon the  
4 approval of the County Administrative Judge.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2021.