

SENATE BILL 124

E2, D1

(PRE-FILED)

1lr1405
CF 1lr1572

By: **Senator Carter**

Requested: October 30, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Courts and Judicial Proceedings – Court Fines – Payment**

3 FOR the purpose of requiring the court to investigate the ability to pay court fines by
4 certain defendants under certain circumstances; repealing authorization and
5 procedures for a court to order an individual committed to a correctional facility for
6 nonpayment or inability to pay court fines; authorizing the court to authorize the
7 clerk of the court to approve a certain payment plan under certain circumstances;
8 making conforming changes; and generally relating to payment of court fines.

9 BY repealing and reenacting, with amendments,
10 Article – Courts and Judicial Proceedings
11 Section 7–504 and 7–504.1
12 Annotated Code of Maryland
13 (2020 Replacement Volume)

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

16 **Article – Courts and Judicial Proceedings**

17 7–504.

18 (a) A defendant who is unable to pay a fine ordered by a court may apply to the
19 court for a reduction of the fine.

20 (b) If a defendant fails or is unable to pay a fine as ordered by a court, the court
21 **[may] SHALL** investigate the reasons for the failure or inability to pay the fine, including
22 the defendant's financial and family situation and whether nonpayment of the fine is
23 contumacious or is due to indigence.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) After an investigation [that a court considers necessary] as to the reasons for
2 the failure or inability to pay a fine, the court:

3 (1) [May order that the individual be committed to a correctional facility;

4 (2)] May reduce the fine to an amount that the court determines the
5 defendant is able to pay; or

6 [(3) Subject to subsection (d) of this section, may direct that the individual
7 be imprisoned until payment of:

8 (i) The fine; or

9 (ii) Part of the fine that is undischarged after a pro rata credit for
10 time served instead of payment.

11 (d) (1) Subject to the limitations in this subsection, the court shall determine
12 the period of imprisonment for default in payment of a fine.

13 (2) The period of imprisonment may not exceed:

14 (i) 1 day for each \$10 of the fine; and

15 (ii) If the fine was imposed for a crime subject to punishment by
16 imprisonment, one-third of the maximum term authorized by the statute or ordinance
17 under which the individual was convicted, or 90 days, whichever is less; or

18 (iii) If the fine was imposed for a crime that is not subject to
19 punishment by imprisonment, absent default in payment of a fine, 15 days.

20 (3) The period of imprisonment, when added to the original sentence, may
21 not exceed the maximum term of imprisonment allowed for the crime.

22 (4) Each period of imprisonment imposed because of nonpayment of two or
23 more fines shall run concurrently unless the court specifies that the periods of
24 imprisonment shall run consecutively.]

25 **(2) MAY AUTHORIZE THE CLERK OF THE COURT TO APPROVE AN**
26 **INDIVIDUAL INSTALLMENT PLAN AGREEMENT FOR THE PAYMENT OF A FINE IN**
27 **ACCORDANCE WITH § 7-504.1 OF THIS SUBTITLE.**

28 7-504.1.

29 (a) This section applies to [a]:

1 **(1)** A defendant who is required to pay a fine for one or more traffic
2 offenses, including one or more citations for a violation of a parking ordinance or regulation
3 adopted under Title 26, Subtitle 3 of the Transportation Article; **OR**

4 **(2)** **A DEFENDANT WHO IS REQUIRED TO PAY ONE OR MORE FINES OF**
5 **ANY TYPE IMPOSED AT A HEARING OR TRIAL BY THE COURT.**

6 (b) (1) The District Court or a circuit court may authorize the clerk of the court
7 to approve an individual installment plan agreement in accordance with this section for the
8 payment of:

9 (i) One or more citations for a payable violation issued under §
10 26–201 of the Transportation Article; or

11 (ii) One or more fines **OF ANY TYPE** imposed at a hearing or trial by
12 the court.

13 (2) A defendant who agrees to enter into an installment plan agreement for
14 the payment of one or more citations under paragraph (1)(i) of this subsection consents to
15 conviction at the time of the agreement.

16 (c) (1) A defendant who is sentenced to pay one or more fines that total at least
17 \$150 and certifies that the defendant is unable to pay the fine or fines may apply to the
18 clerk of the court to make installment payments in accordance with this section.

19 (2) An installment plan agreement under this section shall:

20 (i) **REQUIRE REASONABLE INSTALLMENT PAYMENTS BASED**
21 **ON THE DEFENDANT’S ABILITY TO PAY, AS DETERMINED BY THE COURT;**

22 **(II)** Require that the defendant make installment payments on the
23 total amount of the fine or fines covered by the agreement; and

24 **[(ii)] (III)** Specify the offenses and citations to which the agreement
25 applies.

26 (3) As a condition of an installment plan agreement, a defendant who
27 enters into the agreement shall inform the clerk of the court of any change of address during
28 the term of the agreement.

29 (4) (i) If a defendant fails to pay a fine in accordance with an
30 installment plan agreement under this section, the clerk of the court may:

31 1. Refer the amount of the unpaid outstanding fine to the
32 Central Collection Unit of the Department of Budget and Management; or

