

SENATE BILL 97

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(PRE-FILED)

2lr0360
CF HB 205

By: **Senator Beidle**

Requested: August 5, 2021

Introduced and read first time: January 12, 2022

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 13, 2022

CHAPTER _____

1 AN ACT concerning

2 **Clerks of the Circuit Courts – Bonds, Licenses, Oaths, and Commissions**

3 FOR the purpose of altering certain provisions and procedures relating to the clerks of the
4 circuit courts, including the execution of certain bonds, and the issuance of certain
5 licenses, ~~and the administration of certain oaths of office and commissions~~; and
6 generally relating to the clerks of the circuit courts.

7 BY repealing and reenacting, with amendments,
8 Article – Courts and Judicial Proceedings
9 Section 2–106, 2–208, and 2–210, ~~2–211, and 2–212~~
10 Annotated Code of Maryland
11 (2020 Replacement Volume and 2021 Supplement)

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

14 **Article – Courts and Judicial Proceedings**

15 2–106.

16 [(a)] A person who is required to take an oath under § 2–104 of this subtitle or to
17 file a bond under § 2–105 of this subtitle but who fails to qualify for office by taking and
18 subscribing the required oath or affirmation or giving the required bond within 30 days
19 from the date his commission is received by the clerk, or if no commission is sent to the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 clerk, within 30 days after receiving his commission or notice of appointment, is deemed to
2 have refused the office, and the office shall be considered vacant, unless the time is
3 extended by the court for good cause shown.

4 [(b) A clerk of a circuit court for a county who fails to execute the required bond
5 may not receive fees or compensation. A clerk who violates this subsection is subject to a
6 penalty of \$1,000.]

7 2–208.

8 (a) This section applies to all licenses issued by the clerk of a circuit court other
9 than those issued under Title 17 of the Business Regulation Article.

10 (b) Before the first of May of each year, the clerk of a circuit court shall [apply to
11 the Comptroller for the number of blank licenses of each sort that will probably be required
12 for use by the county during the year, or part of a year, ending the next April 30]
13 **COORDINATE WITH THE COMPTROLLER REGARDING THE ISSUANCE OF LICENSES BY**
14 **THE CLERK ON BEHALF OF THE COMPTROLLER.**

15 [(c) A clerk who fails to apply for blank licenses in accordance with subsection (b)
16 of this section shall pay a penalty of \$1,000 for each failure.]

17 2–210.

18 (a) This section applies to all licenses issued by the clerk of a circuit court other
19 than those issued under Title 17 of the Business Regulation Article.

20 (b) [On or before the first Monday of June and December of each year, the clerk
21 of a circuit court shall return to the Comptroller, under oath, an account of the licenses
22 issued by the clerk, which states] **THE CLERK OF A CIRCUIT COURT SHALL**
23 **COORDINATE WITH THE COMPTROLLER REGARDING:**

24 (1) The number of licenses issued of each grade and kind;

25 (2) The date each license was issued;

26 (3) The amount of money received for each license;

27 (4) The person to whom each license was issued; and

28 (5) The number, grade, and description of all blank licenses remaining.

29 [(c) If a clerk fails to make an account to the Comptroller in accordance with
30 subsection (a) of this section, the Comptroller shall:

1 (1) Charge the clerk with the entire cost of blank licenses delivered to the
2 clerk at the rate fixed by law; and

3 (2) Immediately afterwards, direct a suit to be brought against the official
4 bond of the clerk to recover the amount.]

5 ~~2-211.~~

6 ~~(A) IN THIS SECTION, "APPOINTEE" MEANS THE PERSON TO WHOM A~~
7 ~~COMMISSION IS DIRECTED AND WHO APPLIES FOR THE COMMISSION.~~

8 ~~(B) When the Governor issues a civil commission and the Secretary of State~~
9 ~~delivers the commission to the clerk of a circuit court, the clerk [immediately shall deliver~~
10 ~~the commission to the person to whom the commission is directed and who applies for the~~
11 ~~commission] SHALL COORDINATE WITH THE APPOINTEE TO ADMINISTER THE OATH~~
12 ~~OF OFFICE AND PRESENT THE COMMISSION.~~

13 ~~2-212.~~

14 ~~(a) [At least once a month, the] THE clerk of a circuit court shall REGULARLY~~
15 ~~report to the Secretary of State the name and office of each officer who has taken, before~~
16 ~~the clerk, the oath required by the Constitution or another law.~~

17 ~~[(b) (1) The clerk of a circuit court may not administer the oath of office to any~~
18 ~~officer until the officer has paid the tax on the officer's commission that is required by law.~~

19 ~~(2) On the first Monday of March, June, September, and December, the~~
20 ~~clerk shall pay to the Treasurer all money that the clerk has received for taxes on~~
21 ~~commissions.]~~

22 ~~[(c) (B) (1) On request of any person, the clerk of a circuit court shall give a~~
23 ~~certificate, under the seal of the clerk's office, of the qualification of any public officer:~~

24 ~~(i) Who has taken the oath of office before the clerk; or~~

25 ~~(ii) Whose oath of office is recorded in the clerk's office.~~

26 ~~(2) The clerk shall charge \$1 for issuing a certificate under seal of the~~
27 ~~qualifications of any public official, including justices of the peace and notaries public.~~

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2022.