

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 385

(Senator McKay)

Judicial Proceedings

Judiciary

Criminal Procedure – Restitution Orders – Recording Fees

This bill prohibits a court from assessing costs on a person or governmental unit for recording and indexing as a money judgment an order of restitution *issued by any court in the State.*

Fiscal Summary

State Effect: Any potential decrease in fee revenues is anticipated to be minimal and not materially affect State operations or finances.

Local Effect: The bill is not anticipated to materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: A court may enter a judgment of restitution ordering a defendant, child respondent, or liable parent to make restitution in addition to any other penalty for the commission of a crime or a delinquent act, as specified. A judgment of restitution is a money judgment in favor of the person, governmental unit, or third-party payor to whom the restitution obligor has been ordered to pay restitution. The judgment of restitution may be enforced by the person, governmental unit, or third-party payor to whom the restitution obligor has been ordered to pay restitution in the same manner as a money judgment in a civil action. Generally, a person or entity to whom a restitution obligor has been ordered to pay restitution has all the rights and obligations of a money judgment

creditor under the Maryland Rules, including the obligation on receiving all amounts due under the judgement to file a statement that the judgment has been satisfied.

Under current law, a court may not assess costs on a person or governmental unit (to whom a restitution obligor has been ordered to pay restitution) for recording and indexing an order of restitution as a money judgment *in the court in which the judgment of restitution was issued*. The bill expands the prohibition against assessing costs to be applicable regardless of the court in which the judgment of restitution was issued.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 591 (Delegate Buckel) - Judiciary.

Information Source(s): Governor's Office of Crime Prevention, Youth, and Victim Services; Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - February 13, 2023
js/jkb Third Reader - March 14, 2023

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