

Department of Legislative Services
 Maryland General Assembly
 2026 Session

FISCAL AND POLICY NOTE
 Third Reader

House Bill 822
 Judiciary

(Delegate Bartlett)

Judicial Proceedings

Circuit Court Clerks and Registers of Wills - Maximum Salary

This bill alters the maximum annual salary that the Board of Public Works (BPW) may set for the clerk of each circuit court and a register of wills from \$146,500 to the salary of a State employee at Grade 26, Step 20 of the State of Maryland Standard and Bargaining Salary Scale. The bill also repeals an obsolete provision establishing a minimum annual salary of \$12,000 for the register of wills in Baltimore City. **Pursuant to constitutional requirements, the salary increases for the clerks of the circuit court and the registers of wills take effect at the beginning of the next term of office.**

Fiscal Summary

State Effect: General fund expenditures increase for the Judiciary by \$403,800 in FY 2027 due to the impact of salary increases for the clerks of the court that take effect December 1, 2026, as discussed below. Future year expenditures reflect annualization. The FY 2027 budget as introduced includes \$651,929 for the salary increases. General fund revenues decrease by \$386,300 in FY 2027 due to the impact of salary increases for the registers of wills that take effect December 1, 2026, as discussed below. Future year revenue decreases reflect annualization.

(in dollars)	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031
GF Revenue	(\$386,300)	(\$662,100)	(\$662,100)	(\$662,100)	(\$662,100)
GF Expenditure	\$403,800	\$692,300	\$692,300	\$692,300	\$692,300
Net Effect	(\$790,100)	(\$1,354,400)	(\$1,354,400)	(\$1,354,400)	(\$1,354,400)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law:

Clerk of the Circuit Court and Register of Wills

The clerk of each circuit court and the register of wills of each county is entitled to receive an annual salary of no more than \$124,500. While the permissible range (or maximum) of salaries is set by statute, BPW determines the annual salary of:

- each clerk on the basis of the relative volume of business and receipts in the clerk's office; and
- each register of wills in consideration of (1) the population of the county determined by the last official U.S. census; (2) the dollar volume of total fees and taxes collected and excess fees turned over to the State for each of the preceding five years by the office of the register for which the salary is being fixed; and (3) other pertinent data, which have relation to the reasonableness of the salary in relation to the work done and volume handled by the office.

Article III, § 35 of the Maryland Constitution prohibits the salary or compensation of any public officer from being increased or diminished during the individual's term of office, except those whose full term is fixed by law in excess of four years. Clerks of the court and registers of wills are elected to four-year terms.

Background:

Clerks of the Circuit Court

The clerk of the circuit court in each jurisdiction is responsible for the custody of records and other court documents. Other duties include issuing writs, recording of land instruments and other documents, issuing licenses, administering oaths of office, and handling matters related to the operation of the court, including the submission of an annual budget for the review and approval of the Chief Judge of the Supreme Court of Maryland.

Chapters 188 and 189 of 2022 increased the maximum salary of the clerks of the circuit court from \$124,500 to \$146,500, an 18% increase. **Exhibit 1** sets forth the maximum annual salary levels since 1982.

Exhibit 1
Clerk of Courts Maximum Annual Salaries

<u>Year</u>	<u>Maximum Salary</u>	<u>Percentage Increase</u>
1982	\$37,500	-
1986	45,000	20%
1990	60,000	33%
1994	64,000	7%
1998	75,000	17%
2002	85,000	13%
2005	98,500	16%
2013	114,500	16%
2022	146,500	18%

Source: Department of Legislative Services

Registers of Wills

In general, the registers of wills in each of the State's 24 jurisdictions are responsible for the administration of estates by providing proper forms and direction, assisting and advising any person who requests assistance in the preparation of any form for administrative probate, admitting wills to probate and issuing letters of administration, auditing accounts, and maintaining accurate records of all estate matters. The registers also serve as clerks of the orphans' courts.

Chapter 427 of 2022 increased the maximum salary of the registers of wills from \$124,500 to \$146,500, an 18% increase. **Exhibit 2** sets forth the maximum annual salary levels since 1986.

Exhibit 2
Registers of Wills Maximum Annual Salaries

<u>Year</u>	<u>Maximum Salary</u>	<u>Percentage Increase</u>
1986	\$45,000	-
1990	60,000	33%
1994	64,000	7%
1998	75,000	17%
2002	85,000	13%
2005	98,500	16%
2013	114,500	16%
2018	124,500	9%
2022	146,500	18%

Source: Department of Legislative Services

State Revenues: Registers of wills' salaries and office expenses are paid from fees and inheritance tax revenue collected by the registers, with the remainder of the fees and inheritance tax revenue deposited into the general fund. General fund revenues decrease by \$386,250 in fiscal 2027, which accounts for the registers of wills beginning the next term on December 1, 2026, and by approximately \$662,142 annually thereafter. This analysis, which accounts for fringe benefits, assumes that BPW increases to grade 26, step 20 of the State salary scale (\$172,463 in fiscal 2027), the salaries of the registers of wills who earn the current maximum of \$146,500, and increases the salaries of the other registers of wills by the same 18%.

State Expenditures: General fund expenditures for the Judiciary increase by \$403,827 in fiscal 2027, which accounts for the clerks beginning the next term on December 1, 2026, and by approximately \$692,274 annually thereafter. This analysis, which accounts for fringe benefits, assumes that BPW increases to grade 26, step 20 of the State salary scale, (\$172,463 in fiscal 2027), the salaries of the clerks who earn the current maximum of \$146,500, and increases the salaries of the other clerks by the same 18%. The FY 2027 budget as introduced includes \$651,929 for the salary increases.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years; however, legislation with similar provisions has been proposed. See SB 628 and HB 918 of 2025.

Designated Cross File: SB 471 (Chair, Judicial Proceedings Committee and Senator McKay) - Judicial Proceedings.

Information Source(s): Comptroller's Office; Judiciary (Administrative Office of the Courts); Register of Wills; Department of Budget and Management; Board of Public Works; Department of Legislative Services

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