

**SB385.pdf**

Uploaded by: Dawne Lindsey

Position: FAV

The only change that SB 385 makes is to extend the waiver of the recordation fee to an order of restitution issued by any court in Maryland, not just the court where the order was originally issued.

The Circuit Court Clerks hope you will give a favorable report on SB 385, and we would like to thank Senator McKay for sponsoring this bill. Thank you for the opportunity to comment, and I am available if you have any questions.

**SB0385 Criminal Procedure - Restitution Orders - Recording**  
**Judiciary Proceedings Committee – February 21, 2023**  
**Sponsor: Senator McKay**  
**Position: Favorable**

**Testimony of Dawne Lindsey, Clerk of the Circuit Court, Allegany County**

Thank you, Chairman Smith, Vice Chairman Waldstreicher, and members of the committee, for this opportunity to testify in support of Senate Bill 385. For the record, my name is Dawne Lindsey, Clerk of the Circuit Court for Allegany County.

The Clerks of the Circuit Court support SB 385 because it closes a loophole in the waiver of recordation fees for orders of restitution.

Currently, under Criminal Procedure, Section 11-611, the court may not assess costs for recording or indexing a restitution order in the court in which the judgment was issued. That means that someone who receives an order of court that they are owed restitution do not have to pay to have that order recorded by the clerk.

However, the current waiver of recordation fees specifically says that it only applies to the court in which the judgment was issued. It does not waive the recordation costs for a case in one county that may need to be recorded in another county. This recently came to the Clerks' attention in a case in which an order of restitution was ordered against the defendant in a criminal case. But that defendant had property in another county and the person who was owed the restitution wanted to enter a lien against that property. The victim who was owed the restitution was required to pay to have their order of restitution recorded, only because it crossed county lines.

**2023-02-21 SB385 (Support).pdf**

Uploaded by: Hannibal Kemerer

Position: FAV

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February 21, 2023

**TO:** The Honorable William C. Smith Jr.  
Chair, Judicial Proceedings Committee

**FROM:** Hannibal G. Williams II Kemerer  
Chief Counsel, Legislative Affairs, Office of the Attorney General

**RE:** SB385 – Criminal Procedure – Restitution Orders – Recording Fees  
(Support)

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The Office of Attorney General supports SB 385, Senator McKay's bill to prohibit courts from charging crime victims' fees when recording and indexing as a money judgment an order of restitution issued by any court in the State. Crime victims who are owed restitution from the individuals who harmed them may obtain an order of restitution in County A (where the crime was prosecuted) and need to record and index the restitution order as a money judgment in County B (where the defendant resides). Survivors of crime should not be further victimized by having to pay recordation and indexing fees charged by State courts.

For the foregoing reasons, we urge a favorable report on Senate Bill 385.

cc: Committee Members

This bill letter is a statement of the Office of Attorney General's policy position on the referenced pending legislation. For a legal or constitutional analysis of the bill, Members of the House and Senate should consult with the Counsel to the General Assembly, Sandy Brantley. She can be reached at 410-946-5600 or sbrantley@oag.state.md.us

# **SB385.pdf**

Uploaded by: Mike McKay

Position: FAV

**MIKE MCKAY**  
*Legislative District 1*  
Garrett, Allegany, and Washington Counties



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Judicial Proceedings Committee  
Executive Nominations Committee

**THE SENATE OF MARYLAND**  
**ANNAPOLIS, MARYLAND 21401**

Senate Bill 385 – Criminal Procedure – Restitution Orders– Recording Fees

February 19, 2023

Dear Chairman Smith, Vice Chairman Waldstreicher, and Members of the Committee,

The purpose of the bill is to extend the waiver fee for recording an Order of Restitution to all courts in the State. This will ensure that any party who is receiving restitution due to a judgement by the court, will not have to pay a fee to record that order.

Thank you very much and I ask for a favorable report.

Sincerely,

Senator Mike McKay, District 1  
Representing the Appalachia Region of Maryland  
Garrett, Allegany, and Washington Counties