

**SB0099 Courts and Judicial Proceedings - Circuit Courts and District Court - Dishonored Checks - Service Charges**

**Judicial Proceedings Committee – January 25, 2023**

**Sponsor: Senator Pamela Beidle**

**Position: Favorable**

**Testimony of Mahasin El Amin, Clerk of the Circuit Court, Prince George’s County**

Thank you, Chairman Smith, Vice Chairman Waldstreicher, and members of the committee, for this opportunity to testify in support of Senate Bill 99. For the record, my name is Mahasin El Amin, Clerk of the Circuit Court for Prince George’s County.

The Clerks of the Circuit Court support SB 99 and the proposal to increase the service fee for dishonored checks. This has become an increasing problem for the Clerks’ offices that process these checks.

The Judiciary currently receives roughly 720 dishonored checks each year. In fiscal year 2022, the total dollar value of these checks was almost half a million dollars. These are funds owed to the state of Maryland for fees that are collected by the Clerks. The great majority of these dishonored checks are for taxes on property purchases, business and marriage license fees, and fees related to civil lawsuits.

One comment we received when we were working on this proposed service charge was concern expressed by the Office of Public Defender with any potential impact that it may have on criminal defendants with limited financial means. We understand their concern about not adding to the financial burden of their clients. In response, we reviewed approximately three thousand dishonored checks received by the Circuit Courts and the District Courts throughout the state over the last three fiscal years. Out of those three thousand returned checks we eventually identified only 13 that were written by any client represented by a public defender. Therefore, if the service fee for writing a bad check to the Clerk were raised from the current level of \$10 to the proposed level of \$30, the total

additional fiscal impact on clients represented by a public defender would have been \$260 over three years. We do not believe this very limited impact would warrant keeping the service fee unchanged just for clients represent by a public defender, or for forgoing the service fee increase entirely. The most common dishonored checks received by the Clerks is for land recordings and licenses when payment is due at the time of service which is the recording and issuance of any license. When that happens, the land recording must stay on record, and licenses are already issued, however it creates an administrative burden on the Clerk's Offices that is much more than the \$10 service fee that is currently being charged, and the additional \$20 should not have a significant negative impact on the payees or the public. That is why we favor raising the service fee to the same \$30 level currently being charged by the Comptroller's Office when they receive a bad check for a tax payment.

The Circuit Court Clerks hope you will give a favorable report on SB 99, and we would like to thank Senator Beidle for sponsoring this bill. Thank you for the opportunity to comment, and I am available if you have any questions.