

**HB0591 Criminal Procedure - Restitution Orders - Recording**

**Judiciary Committee – February 15, 2023**

**Sponsor: Delegate Jason Buckel**

**Position: Favorable**

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

Thank you, Chairman Clippinger, Vice Chairman Moon, and members of the committee, for this opportunity to testify in support of House Bill 591. For the record, my name is Dawne Lindsey, Clerk of the Circuit Court for Allegany County.

The Clerks of the Circuit Court support HB 591 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.

The only change that HB 591 makes is to extend the waiver of the recordation fee to an order of restitution issued by any court, not just the court where the order was originally issued.

The Circuit Court Clerks hope you will give a favorable report on HB 591, and we would like to thank Delegate Buckel for sponsoring this bill. Thank you for the opportunity to comment, and I am available if you have any questions.