

HOUSE BILL 838

D1, D3

3lr2076
CF SB 640

By: **Delegates Dumais, Anderson, Cardin, Carter, Clippinger, Conaway, Frick, Haynes, Lafferty, Lee, McComas, McDermott, Mitchell, Oaks, V. Turner, Valderrama, Valentino-Smith, and Waldstreicher**

Introduced and read first time: February 7, 2013

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Cases – Maryland Legal Services Corporation Fund – Surcharges –**
3 **Repeal of Termination Date**

4 FOR the purpose of repealing the termination date of certain provisions of law altering
5 certain surcharges on certain fees, charges, and costs in certain civil cases and
6 requiring a certain informational budget to be prepared for the Maryland Legal
7 Services Corporation and submitted to the General Assembly; and generally
8 relating to the Maryland Legal Services Corporation Fund.

9 BY repealing and reenacting, without amendments,
10 Article – Courts and Judicial Proceedings
11 Section 7–202(a)(1), (d), and (f) and 7–301(c)
12 Annotated Code of Maryland
13 (2006 Replacement Volume and 2012 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – Human Services
16 Section 11–208
17 Annotated Code of Maryland
18 (2007 Volume and 2012 Supplement)

19 BY repealing and reenacting, with amendments,
20 Chapter 486 of the Acts of the General Assembly of 2010
21 Section 2

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article – Courts and Judicial Proceedings**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 7-202.

2 (a) (1) (i) The State Court Administrator shall determine the amount
3 of all court costs and charges for the circuit courts of the counties with the approval of
4 the Board of Public Works.

5 (ii) The fees and charges shall be uniform throughout the State.

6 (d) The State Court Administrator, as part of the Administrator's
7 determination of the amount of court costs and charges in civil cases, shall assess a
8 surcharge that:

9 (1) May not be more than \$55 per case; and

10 (2) Shall be deposited into the Maryland Legal Services Corporation
11 Fund established under § 11-402 of the Human Services Article.

12 (f) If a party in a proceeding feels aggrieved by any fee permitted under this
13 subtitle or by §§ 3-601 through 3-603 of the Real Property Article, the party may
14 request a judge of that circuit court to determine the reasonableness of the fee.

15 7-301.

16 (c) (1) The filing fees and costs in a civil case are those prescribed by law
17 subject to modification by law, rule, or administrative regulation.

18 (2) The Chief Judge of the District Court shall assess a surcharge that:

19 (i) May not be more than:

20 1. \$8 per summary ejectment case; and

21 2. \$18 per case for all other civil cases; and

22 (ii) Shall be deposited into the Maryland Legal Services
23 Corporation Fund established under § 11-402 of the Human Services Article.

24 (3) The Court of Appeals may provide by rule for waiver of
25 prepayment of filing fees and other costs in cases of indigency.

26 Article – Human Services

27 11-208.

28 (a) The executive director shall prepare an annual budget for the
29 Corporation.

1 (b) (1) For informational purposes only, the Corporation shall submit its
2 budget to the General Assembly in conjunction with the budget request of the Judicial
3 Branch of the State government on November 1 of each year.

4 (2) The informational budget required under this subsection shall
5 include 3 years of data, including the most recently completed fiscal year, an estimate
6 for the current fiscal year, and an estimate for the next fiscal year, including:

7 (i) a summary of total expenditures and the sources of revenue
8 that support that spending;

9 (ii) line item expenditure detail for personnel, operating
10 expenses, and grants, including individual grantees;

11 (iii) narrative explanation of all revenue and spending changes
12 between the current fiscal year and the next fiscal year;

13 (iv) performance measurement data that details the use of
14 funds; and

15 (v) detail on the Corporation's reserve fund, including actual
16 and estimated end of fiscal year balances, transfers to and from the reserve fund, and
17 the policies governing the reserve fund.

18 **Chapter 486 of the Acts of 2010**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 July 1, 2010. [It shall remain effective for a period of 3 years and, at the end of June
21 30, 2013, with no further action required by the General Assembly, this Act shall be
22 abrogated and of no further force and effect.]

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 June 1, 2013.