

SENATE BILL 897

E2, D1
SB 124/21 – JPR

2lr1593

By: **Senator Smith**

Introduced and read first time: February 7, 2022

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Courts and Judicial Proceedings – Court Fines – Payment**

3 FOR the purpose of requiring the court to investigate a certain defendant’s ability to pay
4 court fines; altering an authorization for a court to order an individual committed to
5 a correctional facility for nonpayment of court fines; authorizing the court to
6 authorize the clerk of the court to approve a certain payment plan under certain
7 circumstances; and generally relating to payment of court fines.

8 BY repealing and reenacting, with amendments,
9 Article – Courts and Judicial Proceedings
10 Section 7–504 and 7–504.1
11 Annotated Code of Maryland
12 (2020 Replacement Volume and 2021 Supplement)

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

15 **Article – Courts and Judicial Proceedings**

16 7–504.

17 (a) A defendant who is unable to pay a fine ordered by a court may apply to the
18 court for a reduction of the fine.

19 (b) If a defendant fails or is unable to pay a fine as ordered by a court, the court
20 [may] **SHALL** investigate the reasons for the failure or inability to pay the fine, including
21 the defendant’s financial and family situation and whether nonpayment of the fine is
22 contumacious or is due to indigence.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) After an investigation [that a court considers necessary] as to the reasons for
2 the failure or inability to pay a fine, the court:

3 (1) May order that the individual be committed to a correctional facility **IF**
4 **THE COURT FINDS THAT THE NONPAYMENT OF THE FINE IS CONTUMACIOUS AND IS**
5 **NOT DUE TO INDIGENCE;**

6 (2) May reduce the fine to an amount that the court determines the
7 defendant is able to pay; or

8 [(3) Subject to subsection (d) of this section, may direct that the individual
9 be imprisoned until payment of:

10 (i) The fine; or

11 (ii) Part of the fine that is undischarged after a pro rata credit for
12 time served instead of payment]

13 **(3) MAY AUTHORIZE THE CLERK OF THE COURT TO APPROVE AN**
14 **INDIVIDUAL INSTALLMENT PLAN AGREEMENT FOR THE PAYMENT OF A FINE IN**
15 **ACCORDANCE WITH § 7-504.1 OF THIS SUBTITLE.**

16 [(d) (1) Subject to the limitations in this subsection, the court shall determine
17 the period of imprisonment for default in payment of a fine.

18 (2) The period of imprisonment may not exceed:

19 (i) 1 day for each \$10 of the fine; and

20 (ii) If the fine was imposed for a crime subject to punishment by
21 imprisonment, one-third of the maximum term authorized by the statute or ordinance
22 under which the individual was convicted, or 90 days, whichever is less; or

23 (iii) If the fine was imposed for a crime that is not subject to
24 punishment by imprisonment, absent default in payment of a fine, 15 days.

25 (3) The period of imprisonment, when added to the original sentence, may
26 not exceed the maximum term of imprisonment allowed for the crime.

27 (4) Each period of imprisonment imposed because of nonpayment of two or
28 more fines shall run concurrently unless the court specifies that the periods of
29 imprisonment shall run consecutively.]

30 7-504.1.

31 (a) This section applies to [a]:

1 **(1)** A defendant who is required to pay a fine for one or more traffic
2 offenses, including one or more citations for a violation of a parking ordinance or regulation
3 adopted under Title 26, Subtitle 3 of the Transportation Article; **OR**

4 **(2) A DEFENDANT WHO IS REQUIRED TO PAY ONE OR MORE FINES OF**
5 **ANY TYPE IMPOSED AT A HEARING OR TRIAL BY THE COURT.**

6 (b) (1) The District Court or a circuit court may authorize the clerk of the court
7 to approve an individual installment plan agreement in accordance with this section for the
8 payment of:

9 (i) One or more citations for a payable violation issued under §
10 26–201 of the Transportation Article; or

11 (ii) One or more fines **OF ANY TYPE** imposed at a hearing or trial by
12 the court.

13 (2) A defendant who agrees to enter into an installment plan agreement for
14 the payment of one or more citations under paragraph (1)(i) of this subsection consents to
15 conviction at the time of the agreement.

16 (c) (1) A defendant who is sentenced to pay one or more fines that total at least
17 \$150 and certifies that the defendant is unable to pay the fine or fines may apply to the
18 clerk of the court to make installment payments in accordance with this section.

19 (2) An installment plan agreement under this section shall:

20 (i) **REQUIRE REASONABLE INSTALLMENT PAYMENTS BASED**
21 **ON THE DEFENDANT’S ABILITY TO PAY, AS DETERMINED BY THE COURT;**

22 **(II)** Require that the defendant make installment payments on the
23 total amount of the fine or fines covered by the agreement; and

24 **[(ii)] (III)** Specify the offenses and citations to which the agreement
25 applies.

26 (3) As a condition of an installment plan agreement, a defendant who
27 enters into the agreement shall inform the clerk of the court of any change of address during
28 the term of the agreement.

29 (4) (i) If a defendant fails to pay a fine in accordance with an
30 installment plan agreement under this section, the clerk of the court may:

31 1. Refer the amount of the unpaid outstanding fine to the
32 Central Collection Unit of the Department of Budget and Management; or

