

Department of Legislative Services  
 Maryland General Assembly  
 2022 Session

FISCAL AND POLICY NOTE  
 Third Reader - Revised

House Bill 176  
 Judiciary

(Delegate Cardin)

Judicial Proceedings

Courts – Service of Process – Fees Collected by Sheriff

This bill increases, from \$40 to \$60, the fees that a sheriff must generally collect (1) for service of a paper not including an execution or attachment and (2) for service of process papers arising out of administrative agency proceedings where the party requesting the service is a nongovernmental entity. However, the bill specifies that, consistent with current law, a sheriff must collect \$40 for service of a paper for (1) a breach of lease; (2) a tenant holdover; (3) a warrant of restitution; (4) a wrongful entry and detainer; or (5) an order of levy in distress. The bill does not alter other existing exceptions to these general fee requirements.

Fiscal Summary

**State Effect:** General fund expenditures for the Judiciary increase by \$24,200 in FY 2023 only for programming changes. The bill does not directly affect State revenues, as discussed below.

(in dollars)	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	24,200	0	0	0	0
Net Effect	(\$24,200)	\$0	\$0	\$0	\$0

*Note: ( ) = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** Local revenues increase depending on the volume of fees collected in each county. Local government expenditures are not affected.

**Small Business Effect:** Minimal.

## Analysis

**Current Law:** Sheriffs must generally collect a \$40 fee for the service of process in matters covered by the bill. Specified exceptions exist, including that a sheriff may not collect a fee for the service of a paper from specified housing authorities or a summons for a law enforcement officer to appear as a witness in a criminal case. In addition to the basic service fees, the Baltimore City Sheriff must collect a surcharge for certain services. The bill does not alter exceptions to the general fee requirement. The bill also does not alter the existing \$40 fee requirement for service including an execution or attachment by taking a person into custody or seizing real or personal property.

**State Revenues:** The bill does not directly affect State revenues, as it increases service fees collected by local sheriffs (who are generally responsible for the service of the documents impacted by the bill). The Judiciary advises, however, that in Baltimore County, constables employed by the Judiciary are tasked with service of these documents in the District Court. The Judiciary further notes that it may consider increasing the fees for the same services when carried out in Baltimore County by constables. Any State impact associated with this potential increase is not accounted for in this analysis.

**Local Revenues:** Local fee revenues increase, the magnitude of which depends on the volume of papers served and fees collected by each local sheriff's office. For example, the jurisdictions below estimate the following annual increases in fee revenues collected under the bill:

- Caroline County: \$4,000;
- Howard County: \$15,000;
- Montgomery County: \$196,700; and
- Prince George's County: minimal increase in revenues.

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## Additional Information

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Caroline, Howard, Montgomery, and Prince George's counties; Judiciary (Administrative Office of the Courts); Department of Legislative Services

**Fiscal Note History:** First Reader - January 31, 2022  
fnu2/jkb Third Reader - March 25, 2022  
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Analysis by: Tyler Allard

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510