### **SENATE BILL 640**

#### D1, D3

3lr2047 CF 3lr2076

## By: Senators Frosh, Brochin, Forehand, Getty, Gladden, Muse, Raskin, Stone, and Zirkin

Introduced and read first time: February 1, 2013 Assigned to: Judicial Proceedings

#### A BILL ENTITLED

#### 1 AN ACT concerning

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

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

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#### **Article – Courts and Judicial Proceedings**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law.



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

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.

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(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:
- 1. \$8 per summary ejectment case; and
- 21 2. \$18 per case for all other civil cases; and
- (ii) Shall be deposited into the Maryland Legal Services
  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.

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Article – Human Services

27 11–208.

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

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1 (b) For informational purposes only, the Corporation shall submit its (1) $\mathbf{2}$ 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. The informational budget required under this subsection shall 4 (2)include 3 years of data, including the most recently completed fiscal year, an estimate  $\mathbf{5}$ for the current fiscal year, and an estimate for the next fiscal year, including: 6 7a summary of total expenditures and the sources of revenue (i) 8 that support that spending; 9 (ii) line item expenditure detail for personnel, operating 10 expenses, and grants, including individual grantees; narrative explanation of all revenue and spending changes 11 (iii) between the current fiscal year and the next fiscal year; 12performance measurement data that details the use of 13(iv) 14funds; and detail on the Corporation's reserve fund, including actual 15(v) 16 and estimated end of fiscal year balances, transfers to and from the reserve fund, and the policies governing the reserve fund. 1718 Chapter 486 of the Acts of 2010 19SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 20July 1, 2010. [It shall remain effective for a period of 3 years and, at the end of June 2130, 2013, with no further action required by the General Assembly, this Act shall be 22abrogated and of no further force and effect.] SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 23

24 June 1, 2013.