

HOUSE BILL 1340

D3

3lr3137

By: **Delegates Stukes, Carter, Conaway, and Oaks**

Introduced and read first time: February 11, 2013

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, February 26, 2013

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 2013

CHAPTER _____

1 AN ACT concerning

2 **Courts and Judicial Proceedings – Baltimore City Sheriff and Fees for Filing**
3 **and Service of Process**

4 FOR the purpose of altering the type of positions and the number of certain positions
5 to which the Baltimore City Sheriff may appoint employees; increasing a certain
6 annual expense allowance for certain deputy sheriffs; altering certain
7 surcharges on filing fees in the District Court in Baltimore City; requiring
8 certain revenue to be remitted quarterly to the Baltimore City Director of
9 Finance and used to fund the enhancement of sheriff benefits and the increase
10 in sheriff personnel for a certain purpose; authorizing the Sheriff to collect
11 certain surcharges on fees for certain types of service; requiring certain revenue
12 to be used to fund the enhancement of sheriff benefits and the increase in
13 sheriff personnel for a certain purpose; and generally relating to the Baltimore
14 City Sheriff and certain filing and service of process fees in Baltimore City.

15 BY repealing and reenacting, without amendments,
16 Article – Courts and Judicial Proceedings
17 Section 2–309(a) and (a–1) and 7–402(b) and (e)
18 Annotated Code of Maryland
19 (2006 Replacement Volume and 2012 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Courts and Judicial Proceedings
22 Section 2–309(d)(1), 7–301(c), and 7–402(a)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2006 Replacement Volume and 2012 Supplement)

3 BY adding to
4 Article – Courts and Judicial Proceedings
5 Section 7–402(f)
6 Annotated Code of Maryland
7 (2006 Replacement Volume and 2012 Supplement)

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

10 **Article – Courts and Judicial Proceedings**

11 2–309.

12 (a) The sheriff of a county and his deputies shall receive the annual salaries
13 provided by this section for performing the duties required of them by the Constitution
14 and the laws of this State. They shall be reimbursed for expenses as provided by law.

15 (a–1) The government of each county shall furnish an office for the sheriff and
16 pay the necessary expenses for telephones, stationery and for other purposes, and
17 unless otherwise provided by law, shall provide for the necessary traveling expenses of
18 the sheriff for conveying prisoners to any penal institution in the State and other
19 necessary traveling expenses.

20 (d) (1) (i) In Baltimore City, the Sheriff shall receive an expense
21 allowance of \$750 two times per year and a salary of:

22 1. \$79,300 in calendar year 2007;

23 2. \$84,600 in calendar year 2008;

24 3. \$89,900 in calendar year 2009;

25 4. \$95,200 in calendar year 2010; and

26 5. In calendar year 2011 and thereafter, no less than the
27 salary of a Command Staff 2 in the Baltimore City Police Department at the midpoint
28 in the pay scale.

29 (ii) The Sheriff:

30 1. Shall appoint an undersheriff or chief deputy sheriff,
31 one assistant sheriff, [two] **THREE** deputy sheriff majors, [two] **THREE** deputy sheriff
32 captains, [four] **SIX** deputy sheriff lieutenants, one secretary sheriff, and one fiscal
33 clerk sheriff; and

(vi) The Sheriff's Office shall also have assistants at the compensation provided for in the annual ordinance of estimates of Baltimore City. Provisions shall also be made in the ordinance for the expenses of the Office of the Sheriff, including the purchase and maintenance of motor vehicles.

(vii) The Mayor and City Council of Baltimore have the same power with respect to the salaries of the Office of the Sheriff as they have under the city charter with respect to the salaries of all municipal departments.

(viii) Employees of the Sheriff's Office, except the Sheriff, shall be selected according to the provisions of the State Personnel and Pensions Article.

7-301.

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

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

(i) May not be more than:

1. \$8 per summary ejectment case; and

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.

(3) (I) IN ADDITION TO THE SURCHARGE ASSESSED UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ASSESS A SURCHARGE THAT MAY NOT BE MORE THAN ~~\$10~~ \$20 PER CASE FOR THE FOLLOWING CASES FILED IN BALTIMORE CITY:

1. SUMMARY EJECTMENT;

2. TENANT HOLDING OVER;

3. BREACH OF LEASE; AND

4. WARRANT OF RESTITUTION.

(II) THE REVENUE GENERATED FROM THE SURCHARGE ON FILING FEES COLLECTED BY THE DISTRICT COURT IN BALTIMORE CITY UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE:

1 **1. REMITTED QUARTERLY TO THE BALTIMORE CITY**
2 **DIRECTOR OF FINANCE; AND**

3 **2. USED TO FUND THE ENHANCEMENT OF SHERIFF**
4 **BENEFITS AND THE INCREASE IN SHERIFF PERSONNEL TO ENHANCE THE**
5 **SERVICE OF DOMESTIC VIOLENCE ORDERS.**

6 **(4)** The Court of Appeals may provide by rule for waiver of
7 prepayment of filing fees and other costs in cases of indigency.

8 7-402.

9 (a) Except as provided in subsections (b) [and], (e), **AND (F)** of this section, a
10 sheriff shall collect the following fees:

11 (1) \$5 for service of summary ejectment papers.

12 (2) \$40 for service of a paper not including an execution or
13 attachment.

14 (3) \$40 for service including an execution or attachment by taking into
15 custody a person or seizing real or personal property.

16 (4) \$40 for service of process papers arising out of administrative
17 agency proceedings where the party requesting the service is a nongovernmental
18 entity.

19 (5) For the sale following the execution or attachment of personal
20 property: Three percent of the first \$5,000; two percent of the second \$5,000; and one
21 percent of any amount in excess of \$10,000. The sheriff shall collect a minimum of \$15
22 and a maximum of \$500 under the provisions of this paragraph.

23 (6) For the sale following the execution or attachment of real property:
24 One and one-half percent of the first \$5,000; one percent of the second \$5,000; and
25 one-half of one percent of any amount in excess of \$10,000. The sheriff shall collect a
26 minimum of \$1.50 and a maximum of \$250 under the provisions of this paragraph.

27 (7) \$60 for service of a paper originating from a foreign court.

28 (b) (1) For service including an execution or attachment by taking into
29 custody a person or seizing real or personal property, a sheriff may collect the amount
30 specified in a cooperative agreement with the Child Support Enforcement
31 Administration under § 10-111 of the Family Law Article.

32 (2) As part of the costs awarded to a party under § 12-103 of the
33 Family Law Article, a court may not award an amount greater than the amount

1 specified in subsection (a) of this section for the cost of service including an execution
 2 or attachment by taking into custody a person or seizing real or personal property.

3 (e) A sheriff may not collect a fee for the service of:

4 (1) A paper from a housing authority created under Division II of the
 5 Housing and Community Development Article; or

6 (2) A summons for a law enforcement officer to appear as a witness in
 7 a criminal case.

8 **(F) (1) IN ADDITION TO THE FEES SPECIFIED IN SUBSECTION (A) OF**
 9 **THIS SECTION AND EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (E) OF THIS**
 10 **SECTION, THE BALTIMORE CITY SHERIFF SHALL COLLECT A SURCHARGE THAT**
 11 **MAY NOT BE MORE THAN:**

12 **(I) \$60 FOR SERVICE OF A WRIT OF EXECUTION; AND**

13 **(II) \$40 FOR SERVICE OF A PAPER ORIGINATING FROM A**
 14 **FOREIGN COURT.**

15 **(2) THE REVENUE GENERATED FROM THE SURCHARGE ON FILING**
 16 **FEES FOR THE SHERIFF SERVICES UNDER PARAGRAPH (1) OF THIS SUBSECTION**
 17 **SHALL FUND THE ENHANCEMENT OF SHERIFF BENEFITS AND THE INCREASE IN**
 18 **SHERIFF PERSONNEL TO ENHANCE THE SERVICE OF DOMESTIC VIOLENCE**
 19 **ORDERS.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 21 July 1, 2013.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.