

HOUSE BILL 1340

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

Introduced and read first time: February 11, 2013

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

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)
23 Annotated Code of Maryland
24 (2006 Replacement Volume and 2012 Supplement)

25 BY adding to
26 Article – Courts and Judicial Proceedings
27 Section 7–402(f)
28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2006 Replacement Volume and 2012 Supplement)

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

4 **Article – Courts and Judicial Proceedings**

5 2–309.

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

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

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

- 16 1. \$79,300 in calendar year 2007;
- 17 2. \$84,600 in calendar year 2008;
- 18 3. \$89,900 in calendar year 2009;
- 19 4. \$95,200 in calendar year 2010; and
- 20 5. In calendar year 2011 and thereafter, no less than the
21 salary of a Command Staff 2 in the Baltimore City Police Department at the midpoint
22 in the pay scale.

23 (ii) The Sheriff:

24 1. Shall appoint an undersheriff or chief deputy sheriff,
25 one assistant sheriff, [two] **THREE** deputy sheriff majors, [two] **THREE** deputy sheriff
26 captains, [four] **SIX** deputy sheriff lieutenants, one secretary sheriff, and one fiscal
27 clerk sheriff; and

28 2. May appoint up to a maximum of:

29 A. [7] **9** deputy sheriff sergeants; [and]

30 B. [90] **103** deputy sheriffs;

1 **C. 2 DOMESTIC VIOLENCE CLERKS; AND**

2 **D. 2 DOMESTIC VIOLENCE ADVOCATES.**

3 (iii) 1. Except for deputy sheriffs, deputy sheriff sergeants,
4 and deputy sheriff lieutenants, salaries for these employees shall be set by the
5 Secretary of Budget and Management.

6 2. Salaries for deputy sheriffs shall be set at a rate not
7 less than the salary equivalent to grade 14 of the State pay scale.

8 3. Salaries for deputy sheriff sergeants shall be set at a
9 rate not less than the salary equivalent to grade 16 of the State pay scale.

10 4. Salaries for deputy sheriff lieutenants shall be set at a
11 rate not less than the salary equivalent to grade 18 of the State pay scale.

12 **5. EMPLOYEES IN A DEPUTY SHERIFF**
13 **CLASSIFICATION SHALL RECEIVE STEP INCREASES FOR EACH YEAR OF SERVICE**
14 **IN THE SHERIFF'S OFFICE.**

15 (iv) In addition to any other compensation received, each deputy
16 sheriff shall receive an expense allowance of [~~\$200~~] **\$500** annually for:

17 1. Ammunition for practice sessions at the range;

18 2. Clothing allowance to defray the cost of dry cleaning
19 and maintaining the clothing worn while on duty; and

20 3. The purchase and maintenance of other items
21 necessary to fulfill duties that currently are not furnished by the Baltimore City
22 Sheriff's Department.

23 (v) A deputy sheriff who uses a personal automobile is entitled
24 to a monthly automobile allowance at the same rate paid to other State employees.
25 Any Sheriff who is assigned a city-owned automobile may not receive the monthly
26 automobile expense allowance.

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

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

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

3 7-301.

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

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

7 (i) May not be more than:

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

9 2. \$18 per case for all other civil cases; and

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

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

16 1. **SUMMARY EJECTMENT;**

17 2. **TENANT HOLDING OVER;**

18 3. **BREACH OF LEASE; AND**

19 4. **WARRANT OF RESTITUTION.**

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

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

25 2. **USED TO FUND THE ENHANCEMENT OF SHERIFF**
26 **BENEFITS AND THE INCREASE IN SHERIFF PERSONNEL TO ENHANCE THE**
27 **SERVICE OF DOMESTIC VIOLENCE ORDERS.**

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

3 7-402.

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

6 (1) \$5 for service of summary ejectment papers.

7 (2) \$40 for service of a paper not including an execution or
8 attachment.

9 (3) \$40 for service including an execution or attachment by taking into
10 custody a person or seizing real or personal property.

11 (4) \$40 for service of process papers arising out of administrative
12 agency proceedings where the party requesting the service is a nongovernmental
13 entity.

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

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

22 (7) \$60 for service of a paper originating from a foreign court.

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

27 (2) As part of the costs awarded to a party under § 12-103 of the
28 Family Law Article, a court may not award an amount greater than the amount
29 specified in subsection (a) of this section for the cost of service including an execution
30 or attachment by taking into custody a person or seizing real or personal property.

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

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

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

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

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

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

10 **(2) THE REVENUE GENERATED FROM THE SURCHARGE ON FILING**
11 **FEES FOR THE SHERIFF SERVICES UNDER PARAGRAPH (1) OF THIS SUBSECTION**
12 **SHALL FUND THE ENHANCEMENT OF SHERIFF BENEFITS AND THE INCREASE IN**
13 **SHERIFF PERSONNEL TO ENHANCE THE SERVICE OF DOMESTIC VIOLENCE**
14 **ORDERS.**

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