

HOUSE BILL 453

E2

2lr2078
CF 2lr2685

By: **Delegate Niemann**

Introduced and read first time: February 1, 2012

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Courts and Judicial Proceedings – Criminal Injuries Compensation Fund –**
3 **Court Costs**

4 FOR the purpose of requiring the imposition of certain court costs if a defendant is
5 sentenced to probation before judgment for or pleads nolo contendere to a
6 certain crime or offense; and generally relating to court costs deposited into the
7 Criminal Injuries Compensation Fund.

8 BY repealing and reenacting, without amendments,
9 Article – Criminal Procedure
10 Section 11–819(a)
11 Annotated Code of Maryland
12 (2008 Replacement Volume and 2011 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Courts and Judicial Proceedings
15 Section 7–409(b), (c), and (d)
16 Annotated Code of Maryland
17 (2006 Replacement Volume and 2011 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article – Courts and Judicial Proceedings
20 Section 7–409(e) and (f)
21 Annotated Code of Maryland
22 (2006 Replacement Volume and 2011 Supplement)

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

25 **Article – Criminal Procedure**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 11-819.

2 (a) (1) There is a Criminal Injuries Compensation Fund.

3 (2) The Fund consists of:

4 (i) moneys distributed to the Fund from the additional court
5 costs collected from defendants under § 7-409 of the Courts Article;

6 (ii) any investment earnings or federal matching funds received
7 by the State for criminal injuries compensation; and

8 (iii) funds made available to the Fund from any other source.

9 (3) The Fund is a special continuing, nonlapsing fund that is not
10 subject to § 7-302 of the State Finance and Procurement Article.

11 (4) The Treasurer shall separately hold the Fund and the Comptroller
12 shall account for it.

13 (5) The Fund shall be invested and reinvested in the same manner as
14 other State funds.

15 (6) The Fund is subject to audit by the Office of Legislative Audits as
16 provided in § 2-1220 of the State Government Article.

17 **Article – Courts and Judicial Proceedings**

18 7-409.

19 (b) In addition to any other costs required by law, a circuit court shall impose
20 on a defendant [convicted of a crime] an additional cost of \$45 in [the] A case **IF THE**
21 **DEFENDANT:**

22 (1) **IS CONVICTED OF A CRIME;**

23 (2) **IS SENTENCED TO PROBATION BEFORE JUDGMENT FOR A**
24 **CRIME; OR**

25 (3) **PLEADS NOLO CONTENDERE TO A CRIME.**

26 (c) In addition to any other costs required by law, the District Court shall
27 impose on a defendant [convicted of a crime] an additional cost of \$35 in [the] A case
28 **IF THE DEFENDANT:**

29 (1) **IS CONVICTED OF A CRIME;**

1 **(2) IS SENTENCED TO PROBATION BEFORE JUDGMENT FOR A**
2 **CRIME; OR**

3 **(3) PLEADS NOLO CONTENDERE TO A CRIME.**

4 (d) In addition to any other costs required by law, a court shall impose on a
5 defendant [convicted of an offense] an additional cost of \$3 in [the] A case, including
6 cases in which the defendant elects to waive the right to trial and pay the fine or
7 penalty deposit established by the Chief Judge of the District Court by administrative
8 regulation **IF THE DEFENDANT:**

9 **(1) IS CONVICTED OF AN OFFENSE;**

10 **(2) IS SENTENCED TO PROBATION BEFORE JUDGMENT FOR AN**
11 **OFFENSE; OR**

12 **(3) PLEADS NOLO CONTENDERE TO AN OFFENSE.**

13 (e) (1) All money collected under this section shall be paid to the
14 Comptroller of the State.

15 (2) The Comptroller shall deposit \$22.50 from each fee collected under
16 subsection (b) of this section from a circuit court and \$12.50 from each fee collected
17 under subsection (c) of this section from the District Court into the State Victims of
18 Crime Fund established under § 11–916 of the Criminal Procedure Article.

19 (3) The Comptroller shall deposit \$2.50 from each fee collected under
20 subsections (b) and (c) of this section into the Victim and Witness Protection and
21 Relocation Fund established under § 11–905 of the Criminal Procedure Article.

22 (4) The Comptroller shall deposit all other moneys collected under
23 subsections (b) and (c) of this section into the Criminal Injuries Compensation Fund
24 established under § 11–819 of the Criminal Procedure Article.

25 (f) (1) From the first \$500,000 in fees collected under subsection (d) of
26 this section in each fiscal year, the Comptroller shall deposit one–half of each fee into
27 the State Victims of Crime Fund and one–half of each fee into the Criminal Injuries
28 Compensation Fund.

29 (2) For fees collected under subsection (d) of this section in excess of
30 \$500,000 in each fiscal year, the Comptroller shall deposit the entire fee into the
31 Criminal Injuries Compensation Fund.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 July 1, 2012.