

HOUSE BILL 1544

D1, E2

0lr3593

By: **Delegate McConkey**

Rules suspended

Introduced and read first time: March 10, 2010

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Court Costs – Criminal Injuries Compensation Fund**

3 FOR the purpose of altering a certain cost the court imposes on an individual
4 convicted of certain crimes of which a certain part is deposited in the Criminal
5 Injuries Compensation Fund; altering the distribution of certain court costs
6 collected from certain individuals to the Fund; and generally relating to court
7 costs and the Criminal Injuries Compensation Fund.

8 BY repealing and reenacting, with amendments,
9 Article – Courts and Judicial Proceedings
10 Section 7–409(d) and (f)
11 Annotated Code of Maryland
12 (2006 Replacement Volume and 2009 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – Criminal Procedure
15 Section 11–819
16 Annotated Code of Maryland
17 (2008 Replacement Volume and 2009 Supplement)

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

20 **Article – Courts and Judicial Proceedings**

21 7–409.

22 (d) In addition to any other costs required by law, a court shall impose on a
23 defendant convicted of an offense an additional cost of ~~[\$3]~~ **\$10** in the case, including

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 cases in which the defendant elects to waive the right to trial and pay the fine or
2 penalty deposit established by the Chief Judge of the District Court by administrative
3 regulation.

4 (f) (1) From the first ~~[\$500,000]~~ **\$2,000,000** in fees collected under
5 subsection (d) of this section in each fiscal year, the Comptroller shall deposit one-half
6 of each fee into the State Victims of Crime Fund and one-half of each fee into the
7 Criminal Injuries Compensation Fund.

8 (2) For fees collected under subsection (d) of this section in excess of
9 ~~[\$500,000]~~ **\$2,000,000** in each fiscal year, the Comptroller shall deposit the entire fee
10 into the Criminal Injuries Compensation Fund.

11 **Article – Criminal Procedure**

12 11–819.

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

14 (2) The Fund consists of:

15 (i) moneys distributed to the Fund from the additional court
16 costs collected from defendants under § 7–409 of the Courts Article;

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

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

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

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

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

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

28 (b) The Criminal Injuries Compensation Fund:

29 (1) shall be used to carry out the provisions of this subtitle; and

30 (2) may be used for:

1 (i) any award given under this subtitle; and

2 (ii) the costs of carrying out this subtitle.

3 (c) This section does not prohibit the Fund from receiving money from any
4 other source.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2010.