

HOUSE BILL 326

D1
HB 75/20 – JUD

(PRE-FILED)

1lr0681

By: **Delegate Grammer**

Requested: September 18, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Clerks of the Courts – Case Management System – Information on Judge or**
3 **Magistrate**

4 FOR the purpose of requiring the clerk of the court to include the name of the judge or
5 magistrate who presided over a hearing or took judicial action as part of case
6 information in the case management system of the court; requiring a clerk of the
7 District Court to include the name of the judge who presided over a hearing or took
8 judicial action as part of case information in the case management system of the
9 District Court; requiring the Administrative Office of the Courts to include the name
10 of the judge or magistrate who presided over a hearing or took judicial action as part
11 of the information published in the Maryland Judiciary Case Search; making
12 stylistic changes; providing for the application of this Act; and generally relating to
13 case information entered into a case management system of a court.

14 BY repealing and reenacting, with amendments,
15 Article – Courts and Judicial Proceedings
16 Section 2–201(a), 2–603, and 13–101(e)
17 Annotated Code of Maryland
18 (2020 Replacement Volume)

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

21 **Article – Courts and Judicial Proceedings**

22 2–201.

23 (a) The clerk of a court shall:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(1) Have custody of the books, records, and papers of [his] **THE CLERK'S** office;

(2) Make proper legible entries of all proceedings of the court and keep them in well-bound books or other permanent form;

(3) When requested in writing to do so, record any paper filed with [his] **THE CLERK'S** office and required by law to be recorded in the appropriate place, whether or not the title to land is involved;

(4) Unless prohibited by law or order of court, provide copies of records or papers in [his] **THE CLERK'S** custody to a person requesting a copy, under the seal of the court if required;

(5) Issue all writs which may legally be issued from the court;

(6) Deliver a full statement of the costs of a suit to a party requesting a copy;

(7) Receive all books, documents, public letters, and packages sent to [him] **THE CLERK** pursuant to law, and carefully dispose of them as the law requires;

(8) Administer an oath;

(9) Replace worn books and records with new ones;

(10) In conjunction with the Motor Vehicle Administrator, establish uniform procedures for reporting both traffic cases and criminal cases involving a motor vehicle in the circuit court to the Motor Vehicle Administration; [and]

(11) **WHEN PROVIDING CASE INFORMATION FOR THE CASE MANAGEMENT SYSTEM OF THE COURT, INCLUDE THE NAME OF THE JUDGE OR MAGISTRATE WHO:**

(I) **AFTER A HEARING IS HELD, PRESIDED OVER THE HEARING;**
OR

(II) **TOOK JUDICIAL ACTION, INCLUDING GRANTING A MOTION, ISSUING A SUMMONS OR WARRANT, OR ENTERING A JUDGMENT; AND**

(12) Perform any other duty required by law or rule.

2-603.

(a) Subject to the direction of the Chief Judge of the District Court, the chief clerk of the District Court is responsible for the administration and day-to-day clerical operation

1 of the District Court and its several divisions and locations. [He] **THE CHIEF CLERK** shall
2 perform the other duties prescribed by rule or law. [He] **THE CHIEF CLERK** may delegate
3 administrative duties to other clerical or administrative personnel of the District Court in
4 a manner consistent with rule or law.

5 (b) The chief administrative clerk in each district is responsible to the chief clerk
6 of the District Court and the administrative judge of the district for the maintenance and
7 operation of the clerical staff and work within the district, including dockets, records, and
8 all necessary papers.

9 (c) (1) When requested to do so, a clerk of the District Court shall advise and
10 assist, as to procedural matters only, a person in the preparation of a statement of claim or
11 other papers required to be filed in a civil action in which the amount in controversy does
12 not exceed \$2,500.

13 (2) A clerk of the District Court is not liable to any person with respect to
14 any advice or assistance in the preparation of any statement of claim.

15 (d) (1) This subsection applies to:

16 (i) A dismissal or nolle prosequi of a charge entered on the record in
17 the District Court; and

18 (ii) An indefinite postponement in the District Court of a trial of a
19 charge by marking the charge “stet” on the docket.

20 (2) Notwithstanding any other provision of law, if a dismissal or nolle
21 prosequi of a charge is entered or a charge is stettered, a clerk of the court:

22 (i) Subject to item (ii) of this paragraph, shall mail notice of the
23 dismissal, nolle prosequi, or stet, as the case may be, to the defendant and the defendant’s
24 attorney of record if both the defendant and the defendant’s attorney of record are not
25 present in court when the dismissal or nolle prosequi of the charge is entered or the charge
26 is stettered;

27 (ii) May not mail a notice described in this subsection to the
28 defendant if the defendant’s whereabouts are unknown; and

29 (iii) May not mail a notice described in this subsection to the
30 defendant or the defendant’s attorney of record if either is present in court when the
31 dismissal or nolle prosequi of the charge is entered or the charge is stettered.

32 (E) **WHEN PROVIDING CASE INFORMATION FOR THE CASE MANAGEMENT**
33 **SYSTEM OF THE DISTRICT COURT, A CLERK OF THE DISTRICT COURT SHALL**
34 **INCLUDE THE NAME OF THE JUDGE WHO:**

(1) AFTER A HEARING IS HELD, PRESIDED OVER THE HEARING; OR

**(2) TOOK JUDICIAL ACTION, INCLUDING GRANTING A MOTION,
ISSUING A SUMMONS OR WARRANT, OR ENTERING A JUDGMENT.**

13–101.

(e) The Administrative Office of the Courts shall:

(1) **(I)** Keep a current list of alcoholism education or treatment programs that the Maryland Department of Health approves for use under § 6–219(c) or § 6–220(c) of the Criminal Procedure Article; and

[(2)] (II) Notify promptly the appropriate judges whenever the Maryland Department of Health approves a new alcoholism education or treatment program or withdraws approval for a program; **AND**

(2) WHEN PUBLISHING CASE INFORMATION FOR THE MARYLAND JUDICIARY CASE SEARCH, INCLUDE THE NAME OF THE JUDGE OR MAGISTRATE WHO:

**(I) AFTER A HEARING IS HELD, PRESIDED OVER THE HEARING;
OR**

**(II) TOOK JUDICIAL ACTION, INCLUDING GRANTING A MOTION,
ISSUING A SUMMONS OR WARRANT, OR ENTERING A JUDGMENT.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and shall only be applied or interpreted to have any effect on or application to any information for an active case entered into the Maryland Judiciary Case Search after the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.