

## APPENDIX F:

# CURRENT STATE / LOCAL CODE LANGUAGE ADDRESSING FUNDING SCHEMES / LIBRARIANS

## ARTICLE 38.

### FINES AND FORFEITURES.

Sec.

5. Portion of fines and forfeited recognizances  
to go to law libraries.

#### § 1. Mode of recovering.

**Applicability of section.** — The fines that could be imposed under former § 255C(r) of Article 27 (now § 255C(s)) were civil rather than criminal fines and did not come under the purview of this section, and the District Court

did not have original and exclusive jurisdiction over charges involving a violation of that section. *Long v. American Legion Potomac Post 202, Inc.*, 117 Md. App. 18, 699 A.2d 456 (1997).

#### § 5. Portion of fines and forfeited recognizances to go to law libraries.

(a) *Generally.* — One half of the fines imposed and recognizances forfeited to the circuit court for the several counties of the State shall be paid to the clerks of the respective courts, to be expended under the direction of the judge or judges of said courts, for the augmentation of the libraries of said courts. This section does not apply to Anne Arundel, Somerset, and Howard Counties. The clerk shall retain a 5 percent commission on the fines and forfeitures collected. In Baltimore County, this section shall not apply to fines imposed in gambling cases.

(b) *In Harford County.* — In Harford County, in addition to the sums provided in subsection (a) the local governing body shall appropriate and pay to the Clerk of the Circuit Court \$1,500 and any additional sum as the local governing body shall determine for the support and maintenance of the court library, including the necessary expenses for books and library equipment and the costs for the services of a librarian. This sum shall be expended under the direction of the judge of the Circuit Court for Harford County.

(c) *In Cecil County.* — (1) In Cecil County, if in any year the payment to the court library of one half the fines imposed and recognizances forfeited plus attorney appearance fees as provided in § 7-204 of the Courts and Judicial Proceedings Article is less than \$10,000 the County Commissioners shall pay to the clerk of the court, for the use of the library, whatever amount may be necessary to bring to \$10,000 in the aggregate, the total amount to be paid to the library during that year under the provisions of this section, and in addition to the amount to be paid as aforesaid, the County Commissioners may, in their discretion, pay such sums over and above the \$10,000 hereinabove provided for, as they consider reasonable for the proper maintenance of the library.

(2) In any year in which the funds held for the use of the court library exceed the amount necessary for the maintenance of the library, the Cecil County Bar and Library Association, Inc. may transfer any excess funds to the Cecil County Bar Foundation, Inc. to be used for charitable and educational purposes in accordance with the bylaws of the Foundation.

(3) All sums paid under the provisions of this section shall be expended under the direction of the judges of the Circuit Court for Cecil County in consultation with the Law Library Committee of the Cecil County Bar and Library Association, Inc.

(d) *In Charles County.* — In Charles County, if in any fiscal year, commencing July 1, 1962, the said payments to the court library of one half the fines imposed and recognizances forfeited are less than three thousand dollars (\$3,000.00), the County Commissioners thereof shall pay the clerk of the court, for the use of said library, whatever amount may be necessary to bring to three thousand dollars (\$3,000.00) in the aggregate, the total amount to be paid to said library during that year under the provisions of this section, and in addition to the amount to be paid as aforesaid, said County Commissioners may, in their discretion, pay such sums over and above the three thousand dollars (\$3,000.00) hereinabove provided for, as they consider reasonable for the proper maintenance of said library. All sums paid under the provisions of this section shall be expended under the direction of the judge of the Circuit Court for Charles County who resides in Charles County.

(e) *In Calvert County.* — In Calvert County, if the County Administrative Circuit Court Judge considers the money available from fines in excess of the needs of the library, all or part of the excess money may be used for other Circuit Court needs if the County Commissioners are provided with an annual report documenting how the money is used.

(f) *In Worcester County.* — In Worcester County, in addition to the sum provided in subsection (a) the County Commissioners shall appropriate and pay to the clerk of the Circuit Court the sum of two thousand dollars (\$2,000.00) and such additional sums as the Commissioners shall determine for the support and maintenance of the court library. This sum shall be expended under the direction of the judge of the Circuit Court for Worcester County.

(g) *In Carroll County.* — In Carroll County, in addition to the sums provided in subsection (a), the County Commissioners shall appropriate and pay to the clerk of the Circuit Court the sum of one thousand eight hundred dollars (\$1,800.00) and such additional sums as the Commissioners shall determine for the support and maintenance of the court library, including the necessary expenses for books and library equipment. This sum shall be expended under the direction of the judge of the Circuit Court for Carroll County.

(h) *In St. Mary's County.* — (1) Each month the Clerk of the Circuit Court for St. Mary's County shall transmit one-half of the fines and recognizances forfeited that month to the county to be used for the general purposes of the Circuit Court Law Library of the county. The county shall maintain the fines and forfeitures in a special account to be known as the St. Mary's County Law Library Fund.

(2) The Fund shall be used only for the general use of the Circuit Court Law Library for the acquisition of books and other publications, library equipment, and for other necessary expenses, as determined by the County Administrative Judge. (An. Code, 1951, § 5; 1939, § 5; 1924, § 4; 1912, § 4; 1904, § 4; 1898, ch. 407; 1900, ch. 23, § 4; 1904, chs. 178, 541; 1908, ch. 140; 1910, ch. 760, p.

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135; 1924, ch. 239; 1931, ch. 225; 1933, ch. 59; 1936, Sp. Sess., ch. 89; 1943, ch. 74; 1945, ch. 1064; 1951, chs. 90, 229; 1953, chs. 209, 335, 384; 1957, ch. 140; ch. 224, § 1; 1959, chs. 250, 623, 714; 1961, chs. 261, 348, 568; ch. 616, § 32; ch. 681, § 1; ch. 770, § 1; 1963, ch. 662; 1965, ch. 3, § 2; 1966, ch. 58, § 2; chs. 71, 527; 1969, ch. 629; 1971, chs. 174, 315, 378; 1972, ch. 181, § 40; 1978, ch. 552, § 1; 1982, ch. 17, § 3; ch. 134; ch. 906, § 1; 1989, ch. 251; 1990, ch. 53; 1992, ch. 179; 1993, ch. 153; 1995, chs. 336, 470; 1998, ch. 352.)

**Effect of amendments.**

Chapter 352, Acts 1998, effective July 1, 1998, reenacted (a) without change; divided

former (c) into (c) (1) and (3); inserted present (c) (2); and added the language beginning "in consultation" to the end of (c) (3).

**Annotated Code of Maryland. Courts & Judicial Proceedings Article  
§2-501**

*(Amendment effective July 1, 2001.)*

**§ 2-501. Employees of court.**

*(a) Personnel authorized. — Except as provided for the Circuit Court for Baltimore City in Title 2, Subtitle 5A of this article, the judges of the circuit court for a county may employ the court administrators, assignment commissioners, auditors, masters, examiners, court reporters, messengers, bailiffs, court criers, librarians, clerks, secretaries, stenographers, jury commissioners, law clerks, and other employees necessary to conduct the business of the court.*

*(b) Compensation and duties. — Each employee of the court shall receive the compensation provided in the appropriate budget and perform the duties directed by the judge.*

**Annotated Code of Maryland. Courts & Judicial Proceedings Article  
§7-204**

**§ 7-204. Appearance fees.**

(a) *Collection.* — (1) Except in Montgomery County and except as provided in paragraph (2) of this subsection for Baltimore County, in paragraph (3) of this subsection for St. Mary's County, and in paragraph (4) of this subsection for Baltimore City, the clerk of each circuit court shall:

(i) Collect, in advance, a \$10 fee for docketing the appearance of counsel when bringing or defending a civil action in the court;

(ii) Charge as costs a \$10 fee for docketing the appearance of counsel when prosecuting or defending a criminal action in the court; and

(iii) Collect, in advance, a \$10 fee for docketing the appearance of counsel when bringing or defending a case in the Court of Appeals.

(2) The Clerk of the Circuit Court for Baltimore County shall:

(i) Collect, in advance, the following fee for docketing the appearance of counsel when bringing or defending a civil action:

1. A \$20 fee for an action, including the collection of money due on mortgage, in a court of equity; and

2. A \$10 fee for an action at law in a court of original jurisdiction;

(ii) Charge as costs the following fee for docketing the appearance of counsel when bringing or defending a criminal action:

1. If the punishment for the offense charged is death or confinement in the State penitentiary, a \$20 fee; and

2. For any other criminal action, a \$10 fee; and

(iii) Collect, in advance, a \$20 fee for docketing the appearance of counsel when bringing or defending a case in the Court of Appeals.

(3) The Clerk of the Circuit Court for St. Mary's County shall collect, in advance, a \$10 fee for docketing the appearance of counsel when bringing or defending a civil action in the court.

(4) The Clerk of the Circuit Court for Baltimore City shall:

(i) Collect, in advance, a \$20 fee for docketing the appearance of counsel when bringing or defending a civil action in the court;

(ii) Charge as costs the following fee for docketing the appearance of counsel when bringing or defending a criminal action:

1. If the punishment for the offense charged is death or confinement in the State penitentiary, a \$20 fee; and

2. For any other criminal action, a \$10 fee; and

(iii) Collect, in advance, a \$20 fee for docketing the appearance of counsel when bringing or defending a case in the Court of Appeals.

(b) *Distribution — Allegany County.* — (1) The Clerk of the Circuit Court for Allegany County shall deposit monthly all appearance fees collected by the Clerk under this section into a special account to be known as the Allegany County Law Library Fund.

(2) The Fund shall be used only for the general use of the Circuit Court Law Library for the acquisition of books and other publications, library equipment, and for other necessary expenses, as determined by the County Administrative Judge.

(c) *Same — Anne Arundel County.* — (1) The Clerk of the Circuit Court for Anne Arundel County shall transmit to the county all appearance fees collected by the Clerk under this section to be used for the general purposes of the court library and assignment office and for the maintenance and improvement of the court's facilities, equipment, and programs. These purposes include, but are not limited to, the necessary expenses for books, legal publications, library equipment, and the services of the library and other personnel.

(2) Expenditures for the library are not to be limited to this fund if the same should be deemed insufficient by the County Administrative Judge.

(d) *Same — Baltimore City.* — (1) The Clerk of the Circuit Court for Baltimore City shall transmit on a monthly basis all appearance fees collected by the Clerk under this section to the Library Company of the Baltimore Bar to be used for the general purposes of the bar library.

(2) The Library Company shall file an annual financial report with the Director of the Administrative Office of the Circuit Court for Baltimore City and with the Director of Finance of Baltimore City.

(3) Baltimore City and court employees may use the library in connection with official duties without charge.

(e) *Same — Baltimore County.* — The Clerk of the Circuit Court for Baltimore County shall transmit to the county all appearance fees collected by the Clerk under this section to be used for the general purposes of the court library of the county. These purposes include the necessary expenses for books and library equipment and the services of the librarian.

(f) *Same — Calvert County.* — (1) The Clerk of the Circuit Court for Calvert County shall deposit monthly all appearance fees collected by the Clerk under this section into a special account to be known as the Calvert County Law Library Fund.

(2) The Fund shall be used only for the acquisition of books and other publications, library equipment, and other necessary expenses, as determined by the County Administrative Judge.

(g) *Same — Caroline County.* — (1) The Clerk of the Circuit Court for Caroline County shall deposit monthly all appearance fees collected by the Clerk under this section into a special account to be known as the Law Library Fund.

(2) The Fund shall be used only for the law library of Caroline County upon recommendation of the Caroline County Bar Association.



(h) *Same — Carroll County.* — The Clerk of the Circuit Court for Carroll County shall retain all appearance fees collected by the Clerk under this section for the general use of the court library of the county, including expenses for books and library equipment.

(i) *Same — Cecil County.* — The Clerk of the Circuit Court for Cecil County shall retain all appearance fees collected by the Clerk under this section for the general use of the court library of the county, including expenses for books and library equipment, and for other charitable and educational purposes authorized under Article 38, § 5 of the Code or other applicable law.

(j) *Same — Charles County.* — (1) The Clerk of the Circuit Court for Charles County shall deposit monthly all appearance fees collected by the Clerk under this section into a special account to be known as the Charles County Law Library Fund.

(2) The Fund shall be used only for the general use of the Circuit Court Law Library for the acquisition of books and other publications, library equipment, and for other necessary expenses, as determined by the County Administrative Judge.

(k) *Same — Dorchester County.* — The Clerk of the Circuit Court for Dorchester County shall deposit monthly all appearance fees collected by the Clerk under this section into a special account to be known as "the Court and Bar Library Account". The Account shall be for the general use of the Court Library and for the maintenance and improvement of the court's facilities and equipment, subject to the approval of the resident circuit court judge.

(l) *Same — Frederick County.* — (1) The Clerk of the Circuit Court for Frederick County shall deposit monthly all appearance fees collected by the Clerk under this section into a special account to be known as the Frederick County Law Library Fund.

(2) The Fund shall be used only for the general use of the Circuit Court Law Library for the acquisition of books and other publications, library equipment, and for other necessary expenses, as determined by the County Administrative Judge.

(m) *Same — Garrett County.* — (1) The Clerk of the Circuit Court for Garrett County shall deposit monthly all appearance fees collected by the Clerk under this section into a special account to be known as the Garrett County Law Library Fund.

(2) The Fund shall be used only for the acquisition of books and other publications, library equipment, and for other necessary expenses, as determined by the County Administrative Judge.

(n) *Same — Harford County.* — The Clerk of the Circuit Court for Harford County shall retain all appearance fees collected by the Clerk under this section for the general use of the court library of the county, including the necessary expenses for books and library equipment and the cost for the services of a librarian.

(o) *Same — Howard County.* — The Clerk of the Circuit Court for Howard County shall deposit all appearance fees collected by the Clerk pursuant to this section into a special account to be known and designated as "the Law Library Fund". The Fund shall be used for the general purposes of the court library of the county, including the necessary expenses for books and library equipment.

(p) *Same — Kent County.* — (1) The Clerk of the Circuit Court for Kent County shall deposit all appearance fees collected by the Clerk under this section into a special account known as the "Kent County Bar Library" Account.

(2) These fees, together with other funds, shall be disbursed:

(i) If approved or considered necessary by the Administrative Judge of the Circuit Court for Kent County;

(ii) For the acquisition and maintenance of legal publications; or

(iii) For the compensation of the librarian of the Kent County Bar Library in the amount established in the Second Judicial Circuit Order, relating to the appointment and compensation of the law librarian of the Second Judicial Circuit Courts.

(q) *Same — Prince George's County.* — (1) The Clerk of the Circuit Court for Prince George's County shall transmit to the county all appearance fees collected by the Clerk under this section to be used for the general purposes of the court library and assignment office and for the maintenance and improvement of the court's facilities, equipment, and programs. These purposes include, but are not limited to, the necessary expenses for books, legal publications, library equipment, and the services of the library and other personnel.

(2) Expenditures for the library are not limited to this fund if the same should be deemed insufficient by the County Administrative Judge.

(r) *Same — Queen Anne's County.* — (1) The Clerk of the Circuit Court for Queen Anne's County shall distribute all appearance fees collected by the Clerk under this section to the Queen Anne's County Bar Association.

(2) The Queen Anne's County Bar Association shall retain the fees in a separate Law Library Fund.

(3) The Queen Anne's County Bar Association, with the approval of the County Administrative Judge, may make distributions from the Law Library Fund for the purchase and maintenance of legal publications and equipment for the county law library.

(4) All property acquired under this section shall be used and maintained as part of the county law library.

(r-1) *St. Mary's County.* — (1) The Clerk of the Circuit Court for St. Mary's County shall transmit to the county each month all appearance fees collected by the Clerk under this section.

(2) The county shall maintain the appearance fees in a special account to be known as the St. Mary's County Law Library Fund.

(3) The Fund shall be used only for the general use of the Circuit Court Law Library for the acquisition of books and other publications, library equipment, and for other necessary expenses, as determined by the County Administrative Judge.

(s) *Same — Somerset County.* — The Clerk of the Circuit Court for Somerset County shall deposit monthly all appearance fees collected by the Clerk under this section into a special account to be known as "the Court and Bar Library Account". The Account shall be for the general use of the court library and for the maintenance and improvement of the court's facilities and equipment, subject to the approval of the resident circuit court judge.

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(t) *Same — Talbot County.* — The Clerk of the Circuit Court for Talbot County shall transmit on a monthly basis all appearance fees collected by the Clerk under this section to the County Bar Library Fund to be used for the general purposes of the bar library.

(u) *Same — Washington County.* — (1) The Clerk of the Circuit Court for Washington County shall deposit monthly all appearance fees collected under this section into a special account to be known as the Washington County Court Library Fund.

(2) The Fund shall be used only for the general use of the county court library including books, library equipment, librarian services, and other necessary expenses as determined by the County Administrative Judge.

(v) *Same — Wicomico County.* — (1) The Clerk of the Circuit Court for Wicomico County shall deposit not less than monthly all appearance fees collected by the Clerk under this section into a special account to be known as the "Court and Bar Library Account".

(2) The Account shall be for the general use of the court library and for the maintenance and improvement of the court's facilities and equipment.

(3) Funds in the Account shall be disbursed on the approval of the County Administrative Judge.

(w) *Same — Worcester County.* — The Clerk of the Circuit Court for Worcester County shall deposit monthly all appearance fees collected by the Clerk under this section into a special account to be known as the "Court and Bar Library Account". The Account shall be for the general use of the court library and for the maintenance and improvement of the court's facilities and equipment, and together with other funds in the Account, shall be disbursed upon the approval of the County Administrative Judge. (An. Code 1957, art. 36, §§ 10, 10A; 1973, 1st Sp. Sess., ch. 2, § 1; 1974, ch. 231; 1975, ch. 84; 1976, ch. 445; ch. 472, § 29; ch. 535; 1977, ch. 370; 1980, chs. 92, 106, 256; 1982, chs. 134, 198; ch. 820, § 3; 1983, ch. 44; 1984, chs. 41, 73; 1985, chs. 206, 662; 1986, chs. 15, 149, 219, 819; 1988, chs. 87, 520; 1989, ch. 5, § 1; chs. 67, 82; 1992, chs. 250, 291; 1993, ch. 5, § 1; 1995, ch. 233; 1996, ch. 568; 1998, ch. 352; 2000, ch. 609.)

**Effect of amendments.**

Chapter 609, Acts 2000, effective Oct. 1, 2000, in (v) (1), inserted "not less than monthly"

and "to be," and substituted "the 'Court and Bar Library Account'" for " 'Bar Library Account' "; rewrote (v) (2); and added (v) (3).



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such compensation as shall be prescribed by the County Commissioners after consultation with the Court, which shall be provided for in the annual levy and paid as other salaries and expenses are paid for the conduct of the business of said Circuit Court. Such employees shall not be eligible for membership in the county classified employees system and shall perform such services as prescribed by the Judges of the Circuit Court. Such employees shall be subject to removal, with or without cause, upon order of the Circuit Court.

**§ 32-9. Employment and compensation of bailiff.** [1955 Code, sec. 62; 1931, ch. 440]

The Judges of the Circuit Court for Allegany County are authorized and empowered to employ one (1) full-time bailiff for said Court, the compensation for whom shall be fixed and paid by the County Commissioners for Allegany County out of the funds which are or may be provided for the expenses of conducting the Circuit Court of Allegany County, Maryland.

**§ 32-10. Compensation of Court Clerk for maintenance and upkeep of library.** [1955 Code, sec. 63; 1937, ch. 496; 1959, ch. 142; 1972, ch. 42]

The County Commissioners of Allegany County are directed to pay to the Clerk of the Court, to be expended under the direction of the Judges of said Court for the augmentation, maintenance and upkeep of the library of said Court, such sums of money as said Judges may, from time to time, request for the purpose aforesaid, such sums in the aggregate not less than the sum of three thousand dollars (\$3,000.) in any one (1) year; provided, however, that such payments shall be made only in the event that the amounts received by said Clerk for the aforesaid purposes from fines and forfeitures, as provided by Section 5 of Article 38 of the Annotated Code of Public General Laws of Maryland, shall be insufficient for said purposes.

(d) A State's Attorney Investigator is at all times subject to:

- (1) the rules and regulations of the appointing authority; and
- (2) the supervision and control of the persons the appointing authority designates.

(e) Each State's Attorney Investigator shall hold as confidential all information obtained as a result of any investigation and may not divulge the information except on order of a court of record of the State or for the proper administration of justice.

(Bill No. 90-87, § 1)

### TITLE 3. ORPHANS' COURT

#### § 3-101. Days of operation.

(Repealed by Chapter 341, Acts of 1986)

#### § 3-102. Hours of operation.

The Orphans' Court for the County shall sit for the transaction of business from 10:00 a.m. to 3:00 p.m.

(Code 1967, § 5-801)

### TITLE 4. FINES AND FORFEITED RECOGNIZANCES

#### → § 4-101. Use of fines and forfeited recognizances.

(a) Fifty percent of the fines imposed and recognizances forfeited to the Circuit Court for the County shall be paid to the Clerk of the Circuit Court and expended under the direction of the judges of the Circuit Court for:

(1) the augmentation of the library of the Court, including the purchase of books as the Court finds necessary and proper; and

(2) for other purposes or expenses connected with the operation of the Court, as the judges of the Circuit Court find necessary and proper, including the refurnishing or repairing of furniture in the courtrooms and library.

(Code 1967, §§ 5-700, 5-701)

## Chapter 10

## BAR AND LAW LIBRARY ASSOCIATION

§ 10-1. Establishment; members; powers generally.

§ 10-2. Authority to purchase or sell property.

§ 10-3. Revenue.

§ 10-4. Judges to have use of books.

§ 10-5. Directors.

§ 10-6. Organization.

[HISTORY: Adopted and amended as indicated in text.]

§ 10-1. Establishment; members; powers generally. [1961 Code, § 97; 1970 Code, Sec. 3-4; 1974, ch. 240, § 3]

Albert Constable, Lewis Marshall Haines, Henry M. McCullough, Austin L. Crothers, John S. Wirt, George A. Blake, William S. Evans, William T. Warburton, Albert Constable, Jr., Heister Hess, John S. Strahorn, Reuben Haines, Omar D. Crothers, J. Wilson Squier, Henry L. Constable, Robert C. Thackery and Joshua Clayton, and such other persons as may hereafter become members of the same, and their successors, are hereby created a corporation by the name and title of Cecil County Bar and Law Library Association, and by that name shall have perpetual succession, sue and be sued, answer and defend in any court of law and equity, and may adopt such by-laws, rules and regulations as may be from time to time necessary and proper for conducting the affairs of said corporation as shall not be contrary to the laws of the United States or of this state, and may have and use a seal and alter and change the same at pleasure, and in general exercise all the rights, privileges and immunities as by law are incident or necessary to the corporation herein constituted.

**§ 10-2. Authority to purchase or sell property. [1961 Code, § 97; 1970 Code, Sec. 3-5; 1974, ch. 240, § 3]**

Said corporation, under the above name, shall be capable in law of purchasing, holding, selling and conveying property, real, personal and mixed, as far as shall be necessary for the purpose for which it is incorporated.

**§ 10-3. Revenue. [1961 Code, § 99; 1970 Code, Sec. 3-6; 1974, ch. 240, § 3; 1998, ch. 352, § 1]**

One-half (1/2) of all fines and penalties hereafter paid, imposed by the Circuit Court for Cecil County, upon any person or persons convicted in said Court of any crime, and one-half (1/2) of all forfeitures that may be collected by said court by judgment or decree of said Court, shall be paid to the Cecil County Bar and Law Library Association, Inc. For the purpose of maintaining the Law Library and for other charitable and educational purposes authorized under Article 38, § 5 of the Annotated Code of Maryland or other applicable law.

**§ 10-4. Judges to have use of books. [1961 Code, § 100; 1970 Code, Sec. 3-7; 1974, ch. 240, § 3]**

The Judges of the Circuit Court of Cecil County shall have the use of any and all of the books of the Association as fully as any of the members thereof.

**§ 10-5. Directors. [1961 Code, § 101; 1970 Code, Sec. 3-7; 1974, ch. 240, § 3]**

The affairs of said Association shall be managed by seven (7) Directors to be elected by the incorporators hereinbefore named at a meeting to be held at the county seat of Cecil County, after a majority of them have been notified of said meeting and of the time and place of holding the same, to serve for one (1) year or until their successors, thereafter to be elected annually by the members thereof, are elected and qualified.

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**§ 10-6.. Organization. [1961 Code, § 102; 1970 Code, Sec. 3-9; 1974, ch. 240, § 3]**

As soon as said Directors shall have been elected and organized by electing a President, Vice President, Secretary and Treasurer, they shall give notice of the same, in writing, to the Clerk of the Circuit Court for Cecil County, and upon demand of the Treasurer of said Association the said Clerk shall pay to him one-half ( $\frac{1}{2}$ ) of all fines or forfeitures received since March 25, 1904, one-half ( $\frac{1}{2}$ ) of all fines thereafter received, upon demand of said Treasurer.



jury and petit jury summoned for the preceding September term whenever and as often, in each instance, as in the judgment of such court, the public interests may be thereby subserved. Such jurors, when so reconvened, shall have in all respects the same power and authority to act as they respectively had during the terms for which they were originally summoned. (Code 1959, § 5-9; 1961, Ch. 222, § 1)

State law reference—Terms of court to be as provided by law, Const. Art. IV, § 21.

**Sec. 2-5-17. Return days.**

In addition to the first day of each term of the circuit court for the county, the first Monday in January, the first Monday in March, the first Monday in April, the first Monday in July and the third Monday in October in each year shall be return days for the return of process in civil cases. (Code 1930, art. 11, § 73; Code 1959, § 5-11)

Secs. 2-5-18—2-5-28. Reserved.

**ARTICLE III. LAW LIBRARY**

**Sec. 2-5-29. Tax levy for maintenance and enlargement.**

The board of county commissioners are hereby authorized and directed to levy such sums of money annually as in their discretion may be necessary for the maintenance and enlargement of the law library of the circuit court for the county. Such moneys shall be expended for such purpose under the direction of any judge of such court. (Code 1959, § 5-15; 1967, Ch. 599, § 1)

**Sec. 2-5-30. Librarian—Appointed.**

The judges of the circuit court for the county, or any one of them, may appoint one person to serve as the court crier, the bailiff and the librarian of the law library and pass orders for the government and regulation thereof. The compensation of such person for the performance of his duties shall be fixed by the board of county commissioners commensurable

with his duties, and such sum shall be levied for on the taxable property of the county by the board of county commissioners and shall be paid by the collector of taxes of the county. (Code 1959, § 5-16; 1961, Ch. 570, § 1)

**Sec. 2-5-31. Same—Salary when crier of circuit court designated librarian.**

In case the person appointed as crier of the circuit court should be designated as librarian of the public law library of the court, he shall receive, as librarian, the sum of twenty dollars (\$20.00) per month. (Code 1930, art. 11, § 142; 1933, Ch. 145, § 1; Code 1959, § 5-17)

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## Chapter 17

### CIRCUIT COURT

§ 17-1. Jury terms.

§ 17-2. Maintenance and upkeep of library.

[HISTORY: Adopted and amended as indicated in text.]

#### GENERAL REFERENCES

Jurors — See Ch. 58.

§ 17-1. Jury terms. [P.L.L., 1888, Art. 12, sec. 28; 1930, sec. 49; 1957 Code, sec. 32; 1878, ch. 108; 1890, ch. 25; 1894, ch. 653; 1898, ch. 89; 1906, ch. 790, sec. 28; 1931, ch. 515, sec. 49; 1939, ch. 670; 1968, ch. 261]

There shall be two (2) jury regular common-law terms of the Circuit Court for Garrett County, to be held in Oakland. The two (2) jury terms shall commence on the second Monday in March and the second Monday in September, respectively, in each year, and to said jury terms, jurors shall be summoned and returned in the mode prescribed by law.

§ 17-2. Maintenance and upkeep of library. [1957 Code, sec. 35; 1943, ch. 903]

The County Commissioners of Garrett County are hereby authorized and directed to pay to the Clerk of the Court, to be expended under the direction of the Judges of said Court for the augmentation, maintenance and upkeep of the library of said Court, the sum of five hundred dollars (\$500.) for the year 1943 and annually thereafter such sums of money as said Judges may from time to time request for the purpose aforesaid, such last-named sums in the aggregate not

to exceed in any one (1) year the sum of five hundred dollars (\$500.); provided, however, that such last-named payments shall be made only in event the amounts received by said Clerk for the aforesaid purposes from fines and forfeitures shall be insufficient for said purposes.<sup>1</sup>

tions heard by masters in chancery that it deems necessary. The circuit court may prescribe all costs pertaining to any actions heard by the masters, and all costs so prescribed must be paid in advance to the Clerk of the Circuit Court for Howard County. The clerk shall pay those costs to the director of finance of Howard County. (1974, Ch. 847, § 1; 1975, Ch. 706, § 1; 1978, Ch. 719, § 1)

#### SUBTITLE 4. HOWARD COUNTY BAR LIBRARY

##### Sec. 7.400. Contribution to bar library.

The County Council of Howard County is hereby authorized and directed to appropriate annually, for the maintenance and support of the Howard County Bar Library, the sum of two thousand dollars (\$2,000.00), payable quarterly to the Clerk of the Circuit Court for Howard County. (1961, Ch. 770, § 2)

#### SUBTITLE 5. DEPARTMENT OF CORRECTIONS\*

##### Sec. 7.500. General provisions.

General provisions applicable to the department are set forth in subtitle 2, "Administrative Departments and Offices" of [this] title 6, "County Executive and the Executive Branch," of the Howard County Code. (C.B. 6, 1975; C.B. 62, 1988)

**Editor's note**—Section 7.500 formerly prescribed the duties of the department. These are now found in § 7.501(c).

##### Sec. 7.501. Department of corrections.

(a) *Head*: The director of corrections shall head the department of corrections.

(b) *Qualifications of Director of Corrections*: The director of corrections shall be thoroughly trained and experienced in the principles and practices of correctional institutional management. The direc-

**\*Editor's note**—Section 46 of C.B. 62, 1988, renamed sub. 5 from "Department of Correction" to "Department of Corrections"; amended §§ 7.500, 7.502; and renumbered §§ 7.501, 7.503. More detailed explanation of the changes will be included in notes to each section. The bill is effective July 1, 1989.

tor shall have had at least 10 years of increasingly responsible experience maintaining security and discipline in a public or military correctional institution or system, including a minimum of 5 years in a managerial position.

(c) *Duties and Responsibilities*: The department of corrections shall be responsible for:

- (1) The detention of persons awaiting trial.
- (2) The safekeeping, care and custody of all inmates in the county detention center from the time of their lawful commitment until their lawful discharge.
- (3) Other duties and responsibilities. The department of corrections shall perform such other functions as may be prescribed by directive of the county executive or by law.

(C.B. 6, 1975; C.B. 62, 1988)

**Editor's note**—This section incorporates provisions formerly found in §§ 7.500, 7.502. Former § 7.501 is now § 7.502.

##### Sec. 7.502. County detention center.

The Howard County jail is an institution within the department of corrections, and it shall hereafter be named the Howard County Detention Center.

(C.B. 6, 1975; C.B. 62, 1988)

**Note**—See the editor's note to § 7.501.

##### Sec. 7.503. Custody of inmates in facilities other than county detention center.

Should the facilities of the county detention center be inadequate to provide for all inmates lawfully committed therein, the director may, with the approval of the county executive or his designated agent, make arrangements for the temporary custody of inmates at other correctional facilities within the state.

(C.B. 6, 1975)

**Note**—This section was unchanged in the revision of this subtitle by C.B. 62, 1988.

§ 17-1

COURTS

§ 17-1

Chapter 17

COURTS

ARTICLE I  
Circuit Court

§ 17-1. Bar library.

ARTICLE II  
Citations

§ 17-2. Procedure.

[HISTORY: Adopted by the County Commissioners of Kent County 4-3-1990 as Ch. 3, Arts. I, II and III, of the 1989 Code. Amendments noted where applicable.]

ARTICLE I  
Circuit Court

§ 17-1. Bar library.<sup>1</sup>

The County Commissioners of Kent County shall appropriate the sums necessary for the support and maintenance of the Kent County Bar Library.<sup>2</sup>

<sup>1</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

<sup>2</sup> Editor's Note: Chapter 552 of 1978, which amended this section (original § 3-3) included a Section 3 which read as follows: "The General Assembly declares that there is overriding State interest and concern in matters involving the State courts and the libraries of the State courts. This overriding interest and concern requires that the General Assembly regulate matters concerning the Bar Library in Kent County in spite of the fact that Kent County has adopted Code Home Rule Status." Original § 3-1 Clerk, which immediately preceded this section, and § 3-2, Probation officer, which immediately followed this section, were deleted at time of adoption of Code; see Chapter 1, General Provisions, Art. I.



## ARTICLE I. IN GENERAL.

### **Sec. 12-1. Court library—Annual levy for maintenance.**

The county council is hereby authorized to levy and appropriate annually such funds as it may determine, for the maintenance of the circuit court law library at Rockville, in the county. (Mont. Co. Code 1965, § 7-1; 1924, ch. 530, § 2.)

### **Sec. 12-2. Same—Custodian.**

The senior resident judge of the circuit court of the county shall have full charge of and responsibility for the property of the circuit court law library of the county, and shall report in January of each year to the other county judges of the sixth judicial circuit of the state, the condition of the books and other property of such circuit court law library. (Mont. Co. Code 1965, § 7-2; 1924, Ch. 530, § 3.)

### **Sec. 12-8. Crier and librarian; salary, etc.**

The chief judge of the circuit court for Montgomery County is hereby authorized to fix the salaries of the crier of the circuit court and of the librarian of the law library of the circuit court of Montgomery County within the limits of the amounts appropriated therefor; provided, that, in no event, shall the amount of the salary exceed fifteen hundred dollars (\$1500.00) per annum for each of these positions. The salary paid shall be in lieu of any and all other allowances now authorized by law.

The chief judge is hereby authorized to appoint one (1) person as both crier of the circuit court and as librarian of the law library of the circuit court, if he so desires.

In case the person appointed as crier of the circuit court is also appointed as librarian of the law library of such court, his salary shall be fixed in accordance with the provisions of this section and, in such an event, his salary for the combined positions shall not exceed a maximum of two thousand four hundred dollars (\$2,400.00) per annum.

The county council is authorized and directed to levy a tax on all assessable property in the county, sufficient for the payment of the salary or salaries of these positions. (Mont. Co. Code 1965, § 7-7; 1908, ch. 31, § 67; 1912, ch. 790, § 168; 1939, ch. 348.)

# QUEEN ANNE'S COUNTY CODE

## Subtitle 2. Law Library

### 6-201. Law Library.

#### (a) *In general.*

The Queen Anne's County Court Law Library shall be administered in accordance with rules of the Second Judicial Circuit.

#### (b) *Annual appropriation.*

The County Commissioners shall appropriate each year an amount necessary:

- (1) for maintenance of the Queen Anne's County Court Law Library;
- (2) for the salary of a librarian; and
- (3) subject to approval of the County Administrative Judge, for books and supplies that the librarian orders.

*Drafter's Note: This section is derived from the Public Local Laws of Queen Anne's County, 1983 ed., § 3-201.*

*In subsection (a) of this section, the former word "supervised" is deleted as unnecessary in light of the broad word "administered".*

*In subsection (b) of this section, the former phrase "in accordance with such Rules of the Second Judicial Circuit" is deleted as unnecessary in light of subsection (a) of this section.*

*The only other changes are stylistic.*

*Defined terms: See § 2-101*

#### SUBDIVISION 4. COURT LIBRARY.

##### Sec. 7-109. Payment of fines.

In Prince George's County, notwithstanding the provision of any other law, one-half of the fines imposed by and recognizances forfeited to the circuit court for Prince George's County, Maryland, or the several justices of the peace at large for said county, designated as judges of the people's court for Prince George's County, other than fines imposed and recognizances forfeited with relation to the "Motor Vehicles Laws" the laws respecting "Wild Fowl-Birds and Game" and "Fish and Fisheries," and unless directed to be paid otherwise by the law imposing them and excepting fines for the violation of ordinances of any incorporated municipality of Prince George's County, including, however, fines and forfeitures for offenses at common law, shall, within thirty days from the date of collection thereof, be paid to the county commissioners for Prince George's County and become part of the general fund. The county commissioners for Prince George's County shall expend annually such sum as they determine to be necessary for augmentation of said library in the procurement of additional books, publications, material or fixtures for use therein, as may be directed by the judges of said court from time to time; and in addition to the amount hereinabove provided for augmentation of such library a sum annually in accordance with salary scales for comparable employment as established by the Prince George's County Personnel Board for the payment of salary or other compensation to a court librarian, to be appointed by the judges of said court from time to time.

(Laws 1941, ch. 664; 1943 Code, Sec. 235A; 1953 Code, Sec. 287; Laws 1957, ch. 641; Laws 1961, ch. 465; Laws 1965, ch. 417, Sec. 1; Laws 1966, ch. 692, Sec. 1; Laws 1967, ch. 108, Sec. 1)

**SOMERSET COUNTY CODE**

(1) From the money appropriated for each of the fire companies in subsection (a) of this section:

(i) Except as provided in item (ii) of this paragraph, \$5,000 shall be placed into a capital account by the respective fire companies, and shall be used only for capital expenditures, such as purchasing, operating, and repairing fire apparatus and equipment; and

(ii) \$1,000 shall be placed into a capital account by the Tylerton Volunteer Fire Company, and shall be used only for capital expenditures, such as purchasing, operating, and repairing fire apparatus and equipment.

(2) Payments may not be made to any company which has any regulations or resolutions limiting the territory within which it will respond to calls.

(c) *Accounting.* Each fire company receiving County funds shall provide an accounting of the expenditures of the funds to the County Commissioners.

(d) *Funding.* The County Commissioners may levy for and appropriate funds annually for emergency services provided by any volunteer fire company or rescue squad if the volunteer fire company or rescue squad is operated on a not for profit basis. (1963 Code, sec. 19; 1939, ch. 54; 1951, ch. 122; 1955, ch. 26; 1959, ch. 527; 1967, ch. 357, sec. 19(a-1); 1975, ch. 112, sec. 19(a-1); 1980, ch. 110; 1983, ch. 58; 1977 Code, sec. 17; 1988, ch. 700; 1991, ch. 141.)

**2-305. Appropriation to Bar Library.**

The County Commissioners shall appropriate annually for the support of the Bar Library of Somerset County a sum payable monthly to the Clerk of the Circuit Court for Somerset County for the use and benefit of the Bar Library, in equal installments of not less than \$125. (1963 Code, sec. 20; 1961, ch. 681; 1977 Code, sec. 18; 1988, ch. 700.)

**2-306. Appropriation to McCready Foundation, Inc.**

(a) *Payments.* The County Commissioners shall pay annually to the McCready Foundation, Inc., at Crisfield the lesser of:

(1) \$20,000; or

(2) An amount equal to the difference between State-aid to the hospital under the program "Hospital In-Patient Program-Medical Care Services" and the actual cost of caring for the patients under the above program.

(b) *Installments.* Payment shall be made in equal quarterly installments upon the written request of the Foundation.

#### 5-5. Payments to Library.

(a) *Authorized.* The County Council of Talbot County be and it is hereby authorized, in its discretion, to enter into a contract with the Talbot County Free Library, to contribute, annually in perpetuity, a sum to be agreed upon with the Library Board of said Library in return for services rendered by said Library, the nature and extent of such said service to be stipulated in the contract agreed upon.

(b) *Levy for cost.* For the purpose of carrying out the additional obligations which may be incurred under the provisions of the foregoing section, the said County Council of Talbot County be and it is hereby authorized, and directed, in its discretion, to levy and collect annually, in perpetuity on the assessable property of the County, a sum of money sufficient to meet the obligations to be incurred by the said County Council of Talbot County under the provisions of this section.

1959, ch. 788, sec. 76.

#### 5-6. Payment to Court Library Fund.

(a) *Required.* The County Council of Talbot County is hereby authorized and directed to levy, appropriate and pay over annually to the Clerk of the Circuit Court for Talbot County, for the Court Library Fund, such sum of money, in and for each respective year, which, if added to the unexpended balance, if any, of said Court Library Fund in the hands of said Clerk at the end of the immediately preceding calendar year will equal or amount to the sum of one thousand dollars (\$1,000.00), to be expended and disbursed as hereinafter provided.

(b) *Use and expenditure.* The said Court Library Fund to be levied, appropriated and paid over by the said County Council of Talbot County to the said Clerk of the Circuit Court for Talbot County as hereinbefore provided shall be used and expended by or for said Circuit

Court for Talbot County in acquiring, caring for and maintaining a Library and library facilities for said court, its judges, officers and members of the Bar; the said fund to be disbursed by said clerk upon written authority of the judges of said Court or any one of them; provided, however, that said Court or its judges may, by written order appoint and designate three members of the Bar residing in Talbot County, who shall be called or known as the Library Committee of the Circuit Court for Talbot County, which committee shall have power and authority to supervise and provide for the purchase, care and maintenance of said library and library facilities and to authorize in writing the disbursement by said Clerk of said funds; and provided further that the said Court or its judges may by written order fill any vacancy which may occur in said Library Committee and may at any time appoint an entire new committee.

1970, ch. 345.



## WASHINGTON COUNTY CODE

**3-401. Sessions.**

The sessions of the Orphans' Court of Washington County shall be held on Tuesday and Friday of each week from 10 a.m. until 3 p.m., and on other days as in the judgment of the Court the public business and convenience requires. (P.L.L., 1930, Art. 22, sec. 688; 1957 Code, sec. 499, 1916, ch. 425, sec. 1; 1924, ch. 38, sec. 328A; 1927, ch. 549; 1933, ch. 110; 1939, ch. 106; 1970, ch. 276; 1970 ed. sec. 22-1; 1984, ch. 289; 1984 ed. sec. 3-601; 1991, ch. 211)

**3-402. Levy for salary; payment.**

The County Commissioners shall levy annually an amount that they estimate will be sufficient to pay the Judges of the Orphans' Court for the next ensuing year. The Register of Wills shall certify monthly to the County Commissioners the number of days each of the Judges has attended the Court during the month, and the Tax Collector shall pay to each of the Judges the amount prescribed by § 2-108(v) of the Estates and Trusts Article for each day's attendance certified by the Register of Wills. (P.L.L., 1930, Art. 22, sec. 689; 1957 Code, sec. 500, 1916, ch. 425, sec. 2; 1924, ch. 38, sec. 328B; 1945, ch. 328; 1970 ed. sec. 22-2; 1984, ch. 289; 1984 ed. sec. 3-602; 1991, ch. 211)

**Subtitle 5. Bar Library****3-501. Payments for bar library.**

(a) The County Commissioners shall pay to the Clerk of the Court, to be expended under the direction of the Judges of the Court for the augmentation, maintenance, and upkeep of the bar library, sums of money that the Judges request.

(b) Any payments shall be made only if the amounts received by the Clerk for the purposes specified in this section from fines and forfeitures, as provided by Article 38, § 5 of the Annotated Code are insufficient for those purposes. (1963, ch. 444; 1970 ed. sec. 4-16; 1984 ed. sec. 3-901; 1984, ch. 289; 1991, ch. 211)

**Subtitle 6. Attorneys****3-601. Definitions.**

(a) **Meanings.** In this title the following words have the meanings indicated.

(b) **Agency.** "Agency" means an agency, department, board, commission, sanitary district, body politic and corporate, or other governmental or quasi-governmental unit of Washington County.

(c) **Firm.** "Firm" means a firm, partnership, or corporation (professional association).

(d) **Person.** "Person" means a person, business organization, or any other legal entity.