

John P. Morrissey
Chief Judge
DISTRICT COURT OF MARYLAND
MARYLAND JUDICIAL CENTER
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ANNAPOLIS, MD 21401
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Chief Clerk
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ANNAPOLIS, MD 21401
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DISTRICT COURT ADMINISTRATIVE REGULATIONS

I. COURT SESSIONS

All sessions of court are to start promptly at the announced hour. In any instance in which the judge shall not be able to convene court at the stipulated time, a clerk of the court shall advise those in attendance as to the reason for the delay and the probable duration thereof.

II. HOURS OF COURT

A. In General

The Courts of this State shall be open each day throughout the year from Monday through Friday except: on days designated pursuant to State law for the observance of legal holidays by State employees; or when closed because of emergency, inclement weather, or other good cause by the Chief Justice of the Supreme Court of Maryland or an individual designated by the Chief Justice.

B. Commencement of Session

All scheduled proceedings shall begin no later than 9:00 a.m., unless otherwise ordered by the Court in a particular matter or otherwise authorized by the Chief Judge of the District Court.

C. Court Closure

No trials or other court proceedings shall be conducted when the court is closed except when ordered by the Chief Justice of the Supreme Court of Maryland, the Chief Judge of the District Court or a judge of the particular court in an emergency or as public welfare may require.

D. No judge of the District Court shall depart from the court of assignment prior to 4:30 p.m. on any workday, without first obtaining approval of the Administrative Judge of the district for such early departure. Such approval shall not be granted unless the Administrative Judge determines that there is no additional court business which could be satisfactorily disposed of that day by the requesting judge.

III. HOURS OF CLERK'S OFFICE

The clerical offices of the District Court shall be open to the public from at least 8:30 a.m. to 4:30 p.m., Monday through Friday of each week. Each clerical office shall also be open during such additional hours and on such additional days as the Administrative Judge of the district or the Chief Judge of the court shall prescribe. The offices shall not be open on holidays.

IV. JUDICIAL ATTIRE

The judge shall be robed for any courtroom proceeding.

V. OPENING STATEMENT

Each session of court shall begin with the judge giving an opening statement, which should be in substantially the following form:

Good Morning. May I have your attention please, so that I may briefly explain to you the procedures to be followed in the courtroom today.

You are attending a session of the District Court of Maryland, sitting in and for the County of _____ . The business before this court is of a very serious nature, and it is necessary for you to cooperate in maintaining the level of dignity required to permit this court to function fairly and efficiently. All of the proceedings before this court are recorded on electronic equipment. This equipment is extremely sensitive and will pick up even whispered conversations in the rear of the courtroom. It is necessary, therefore, that you remain quiet at all times while court is in session.

When the case in which you are involved is called, please indicate that you are present and come forward. At that time, the Court will explain the procedures that are to be followed and answer any questions you may have.

This court is a part of the judicial branch of your state government. It is an independent tribunal and is not a part of the police department, nor is it a part of the Motor Vehicle Administration. Each judge of this court has taken an oath to decide all cases fairly and impartially and solely on the basis of the evidence presented. Each trial will be conducted so as to provide the participants with all of the rights and privileges to which they are entitled under the laws of this state and the United States, and every decision of this court will be reached in conformity with the Constitution and laws of the State of Maryland and the United States.

Thank You.

VI. COUNSEL TABLES – WITNESS STANDS

Unless the Administrative Judge, with the concurrence of the Chief Judge, shall otherwise direct, counsel tables and witness stands should be utilized in the trial of every case in the Court.

VII. AUDIBILITY OF COURT PROCEEDINGS

In any courtroom in which audio equipment is provided, that equipment shall be utilized. In any courtroom in which audio equipment is not provided, the trial judge shall ensure that all proceedings are conducted in such a manner so that all persons present in the courtroom may hear the proceeding.

VIII. TRIALS – WHERE RECORDING NOT POSSIBLE

When a trial cannot be recorded as required by Md. Rule 16-502, no trial may be held unless all parties to the trial agree to and sign a waiver of the right to have said trial recorded. When any party to a case is not willing to sign a waiver, the case shall be postponed.

IX. ACCESS TO DISTRICT COURT RECORDINGS

A party to any case, or the attorney for any party, may be permitted to listen to the recording of the trial of that case, at such times and such places as a judge of the Court shall determine to be appropriate. Any person who is not a party is not entitled to listen to the recording in any case, but may, upon payment of the cost for same, be permitted to have a recording of any proceeding held in the District Court. Any judge of the District Court may waive the provisions of this regulation and permit persons who are not parties to a case to listen to the recording of that case where the judge believes such action to be consistent with the proper administration of justice.

X. TRANSCRIPTS AND RECORDINGS: WHEN, WHERE, HOW ACQUIRED, AND COSTS THEREOF

A. Transcripts. In any case where an appeal has been noted from a judgment of the District Court in a civil case where the amount in controversy exceeds \$5,000.00, a transcript of the proceedings shall be prepared by personnel of the District Court, at a cost of \$3.00 per page for an original and one copy. A request for such transcript shall be in writing, addressed to the Administrative Clerk, and shall be filed with the clerk. The request shall be accompanied by a deposit of \$75.00, unless the Administrative Judge shall direct in a particular case that the party requesting the transcript make a deposit in a greater or lesser sum.

B. Recordings. The Court will not prepare written transcripts of any proceeding from which, by law, a de novo appeal may be taken, but will in such cases provide to anyone desiring to purchase the same an audio recording of any such proceeding. A request for such a recording shall be in writing, addressed to the Administrative Clerk, and shall be filed with the clerk, together with a deposit of \$15.00 per proceeding, or \$10.00 for the purchase of an electronic audio recording link.

XI. POSTPONEMENTS

No motion for the postponement or continuance of any case shall be considered, unless made in the following manner:

A. Five or More Days Prior to Trial. Every person desiring to have any civil, criminal or traffic case continued or postponed shall, at least five calendar days prior to the scheduled trial date, file a motion for such postponement or continuance with the clerk of the court specifically designated to consider such motions. Such motion shall not be granted by the clerk except for good cause shown. If such motion is denied by the clerk, the party requesting the postponement or continuance may then address the motion to the presiding judge of that court.

B. Less Than Five Days Prior to Trial. Any motion for postponement or continuance of any civil, criminal, or traffic case made within five days of the scheduled trial date shall be addressed directly to the judge assigned to such motions or the presiding judge of that court.

C. Designation of Postponement Clerk. Each administrative judge shall designate one or more clerks at each court location throughout the district to consider motions for postponements or continuance pursuant to this regulation.

D. Attorney Hearing Dates. Unless otherwise agreed by the clerk, all requests for postponements should be accompanied by three (3) proposed dates when the attorneys and parties are available. Counsel should attempt to contact opposing counsel, if possible, to clear dates acceptable to both attorneys and parties.

XII. SUMMONS – RETURN DATE

All summonses for defendants in criminal cases shall, at the time of issuance, bear a return date of not less than 72 hours prior to the scheduled trial.

XIII. FEES – WHERE NOT REQUIRED

No fee of any kind shall be charged for the issuance, cancellation or dismissal of any charging document.

XIV. NOTICE AND TRIAL – PROBATION VIOLATIONS

A warrant or notice of violation of probation shall be issued only by the sentencing judge and the charge of violation of probation shall be heard only by the sentencing judge wherever practicable; provided, however, that if the term of office of the sentencing judge has expired, or that judge has been removed from office, has died, has

resigned, or has otherwise become unavailable, the Administrative Judge of any district shall assign any judge of that district to consider whether such warrant or notice should issue and to try the violation.

XV. CANCELLATION OF CHARGING DOCUMENT

A. A bench warrant or a warrant issued for the failure of a defendant to appear at trial may be recalled by a judge at any time.

B. Any other charging document must be disposed of at trial, unless entered nolle prosequi by the State's Attorney as provided by Md. Rule 4-247, or disposed of by the Court in accordance with the provisions of Courts Article, Section 1-605(d)(7).

XVI. PERSONAL CHECKS

Personal checks shall not be accepted for purposes of posting bond in any case. Personal checks shall be accepted in payment of motor vehicle and natural resources fines, and shall be accepted for payment of costs in any civil case. Personal checks shall be accepted routinely in payment of fines in a criminal case, except in cases where the defendant is convicted of writing a bad check. In those cases, a check will be accepted only when specifically authorized by a judge.

XVII. PRESET FINES – MOTOR VEHICLE

The [attached schedule of preset fines](#) is to be effective for those individuals charged with a violation of the Transportation Article who are desirous of waiving their right to trial and pleading guilty to the offense charged, by payment of the appropriate fine. Where the letters "MA" appear opposite a particular offense, the individual charged with that offense is not entitled to prepay a fine but is required to appear in court on the assigned hearing date.

XVIII. PRESET FINES – NATURAL RESOURCES

The [attached schedule of preset fines and/or penalty deposits](#) is to be effective for those individuals charged with a violation of the Natural Resources Law who are desirous of waiving their right to trial and pleading guilty to the offenses charged by payment of the appropriate fine. Where the words "Must Appear" are indicated opposite a particular offense, the individual charged with that offense is not entitled to prepay a fine, but is required to come to court on the assigned hearing date.

XIX. CIVIL COSTS

A. In all cases, except those noted below, the required cost in this Cost Schedule, including the fee for service of process, shall be paid at the time the complaint, writ, petition or request is filed.

Exceptions:

- (1) The State of Maryland and its officers, agencies, and departments shall not be charged costs in any District Court civil proceeding;
- (2) Advance payment of costs shall not be required in any case in which the plaintiff/petitioner is represented by counsel paid through JUDICARE; provided by Maryland Legal Aid Bureau, Inc.; or retained through a pro bono or legal services program that is recognized by Maryland Legal Services Corporation if the program provides the clerk with a memorandum that names the program, attorney(s) and client(s) and that specifies that representation is being provided for client(s) meeting the financial eligibility criteria of the corporation. If the petitioner is eligible for this exception, payment of costs in a case other than civil are waived.

(3) Advance payment of costs shall not be required in a civil case filed by a county or municipality of the State of Maryland.

B. In any civil case in which no advance costs have been paid, the Court shall allow costs in favor of the prevailing party.

If the judgment creditor is the prevailing party, the judgment creditor, upon being paid all amounts due, including costs, furnish to the judgment debtor and file with the clerk a written statement (order of satisfaction) that the judgment has been satisfied. The clerk shall not accept the order for filing unless the costs are tendered with it.

If the judgment debtor is the prevailing party, the clerk shall bill the plaintiff for all costs, except no payment is required by the State of Maryland.

C. [The attached schedule](#) is hereby adopted as the costs to be paid for all proceedings in any civil case in the District Court.

XXVII. HANDGUNS AND OTHER TYPES OF FIREARMS ON COURT PREMISES

No individual may carry onto any portion of District Court premises a handgun or other type of firearm, except the following in connection with the performance of their **official business/duty**:

All State of Maryland sworn police officers (duly constituted police departments of any Maryland County or Baltimore City, or any other duly constituted municipality in this State, or any State university or college). This includes city and county sheriffs and their deputies. And the following law enforcement agencies:

- All federal sworn law enforcement agencies.
- All Maryland Fire Marshals with law enforcement authority.
- Other duly constituted State law enforcement agencies, including Washington D.C.
- All District Court of Maryland Bailiffs on duty with valid handgun permit.
- Armored car courier services on official business with the District Court.
- Department of Corrections and contract prisoner transport services who transport prisoners to and from the District Court of Maryland.
- In District Court locations that have Parole and Probation offices, security officers contracted by the Department of Public Safety and Correctional Services are permitted to carry into the District Court a handgun or other type of firearm while guarding the Department of Parole and Probation offices. Such security must provide identification to the Bailiffs.

All armed law enforcement officers on official business/duty must identify themselves to courthouse security and identify the purpose of their visit. Further, they must wear their agency's uniform or if in plain clothes, must prominently display above the waist their agency's identification card and/or badge.

All law enforcement officers who are visiting the District Court for non-official business/duty (a defendant in a criminal or traffic case, a party in civil or domestic violence case, or any other status other than official business) are required and shall surrender their firearm and any other weapon to the bailiff upon entry into the courthouse. The firearm and/or weapons will be secured in a gun locker by the front entrance of the courthouse security checkpoint.

No person (including retired law enforcement officers) regardless of having a valid handgun permit will be allowed to possess a firearm on courthouse property. This includes all special police officers (SPOs) from other agencies.

Courthouse property is defined as the building, improvements, grounds, and parking area in which the District Court is conducting business.

XXVIII. CIVIL PREPAYMENT AMOUNT – TRAFFIC CONTROL SIGNAL MONITORING SYSTEMS

By the authority vested under Transportation Article Section 21-202.1 of the Annotated Code of Maryland, the amount which may be paid by any person choosing to prepay the civil penalty without appearing in the District Court of Maryland shall be \$75.00, which includes costs.

XXIX. CIVIL PREPAYMENT AMOUNT – SMOKING CANNABIS, ALCOHOLIC BEVERAGE CONSUMPTION OR POSSESSION OF OPEN CONTAINER IN PASSENGER AREA OF MOTOR VEHICLE

By the authority vested under Criminal Law Article Section 10-126 of the Annotated Code of Maryland, the amount which may be paid by any person choosing to prepay the civil penalty without appearing in the District Court of Maryland shall be \$20.00, which includes costs.

XXX. PRESETS FINES – MARYLAND – NATIONAL CAPITAL PARK AND PLANNING COMMISSION

The attached schedule of pre-set fines and/or penalty deposits is to be effective for those individuals charged with a violation of Land Use Article Section 17-209 (Hunting--In General) of the Annotated Code of Maryland who are desirous of waiving their right to trial and pleading guilty to the offense charged by payment of the appropriate fine.

XXXI. CRIMINAL PROCEDURE - PRETRIAL RELEASE - POSTING OF BOND WITHOUT APPEARANCE OF DEFENDANT

By the authority vested under Criminal Procedure Article Section 5-214 and Courts and Judicial Proceedings Article Section 1-605(b) of the Annotated Code of Maryland, a defendant, who has appeared before a judicial officer in a case, is authorized to post bond by means of electronic transmission or hand delivery of the relevant document.

XXXII. CIVIL PREPAYMENT AMOUNT – SPEED MONITORING SYSTEMS

By the authority vested under Transportation Article Section 21-809 of the Annotated Code of Maryland, the amount which may be paid by any person choosing to prepay the civil penalty without appearing in the District Court of Maryland shall be \$40.00, which includes costs.

XXXIII. TRUE TEST COPY

By the authority vested under Courts and Judicial Proceedings Article Section 1-605(b) of the Annotated Code of Maryland, upon an official request from an officer or employee of the Division of Parole and Probation an employee in a District Court Clerk's Office shall provide a true test copy of the record of a defendant's conviction that took place in another District Court.

XXXIV. CIVIL PREPAYMENT AMOUNT – SCHOOL BUS MONITORING CITATIONS

By the authority vested under Transportation Article Section 21-706.1 of the Annotated Code of Maryland, the amount which may be paid by any person choosing to prepay the civil penalty without appearing in the District Court of Maryland shall be \$250.00, which includes costs.

XXXV. CIVIL PREPAID SCHEDULE, AMOUNT, AND COSTS – USE OR POSSESSION OF THE CIVIL USE AMOUNT OF CANNABIS

By the authority vested under Criminal Law Section 5-601.1 of the Annotated Code of Maryland, a person who receives a payable citation pursuant to that section may pay the specified penalty or request a trial date in writing within 30 days of receipt of the citation. The amount which may be paid without appearing in the District Court of Maryland shall be \$125.00 for the use or possession of the civil use amount of cannabis. The court costs in any case in which costs are imposed are \$5.00, in addition to any fine imposed by a judge.

XXXVI. CIVIL PREPAID SCHEDULE AND AMOUNT – UNDERAGE INDIVIDUAL PLAYING TABLE GAME OR VIDEO LOTTERY TERMINAL IN A VIDEO LOTTERY FACILITY; OR ENTERING OR REMAINING IN AN AREA WITHIN A VIDEO LOTTERY FACILITY THAT IS DESIGNATED FOR TABLE GAME OR VIDEO LOTTERY TERMINAL ACTIVITIES

By the authority vested under Criminal Law Section 10-137 of the Annotated Code of Maryland, a person who receives a payable citation for a violation of Criminal Law Section 10-136 may pay the specified penalty or request a trial date in writing within 30 days of receipt of the citation. The amount which may be paid without appearing in the District Court of Maryland shall be \$50.00 for a first offense; and \$125.00 for a second offense, which includes costs.

XXXVII. CIVIL PREPAID SCHEDULE, AMOUNT, AND COSTS – SMOKING CANNABIS IN A PUBLIC PLACE

By the authority vested in me under Section 1-605(b) of the Courts & Judicial Proceedings Article of the Annotated Code of Maryland, a person who receives a payable citation for a violation of Criminal Law Section 5-601 may pay the specified penalty or request a trial date in writing within 30 days of receipt of the citation. The amount which may be paid without appearing in the District Court of Maryland shall be \$25.00 for a first offense; and \$75.00 for a second offense. The court costs are \$22.50, in addition to any fine imposed by a judge.

XXXVIII. CIVIL PREPAYMENT AMOUNT – VEHICLE HEIGHT MONITORING CITATIONS

By the authority vested under Transportation Article Section 24-111.3 of the Annotated Code of Maryland, the amount which may be paid by any person choosing to prepay the civil penalty without appearing in the District Court of Maryland shall be \$125.00 for a second violation and \$250.00 for a third or subsequent violation, both of which includes costs.

XXXIX. TRAFFIC INSTALLMENT PAYMENT PLANS

By the authority vested in me under Courts and Judicial Proceedings Section 7-504.1 of the Annotated Code of Maryland, the District Court clerk is hereby authorized to approve an individual installment plan agreement for a defendant who is required to pay one or more traffic citations for a payable violation(s) issued under § 26-201 of the Transportation Article or one or more fines imposed at a hearing or trial. A person who enters into an installment payment plan is required to make monthly payments of 10% on the total amount of the fine or fines covered in the agreement. A person who defaults on an installment plan may request another installment plan for the same citations by filing a motion directed to a judge of the District Court.

Red light, speed monitoring, work zone, vehicle height, school bus camera, toll, bus lane monitoring and parking citations are not eligible for an installment plan.

Requests for payment plans for Circuit Court fines must be directed to the Circuit Court.

The due date for the first payment is 30 days from the date the plan is approved.

XL. CIVIL PREPAYMENT AMOUNT - BETTING, WAGERING, GAMBLING, PLAYING
GAMING DEVICE OR FRAUDULENT TRICK

By the authority vested in me under Criminal Law Section 12-103 of the Annotated Code of Maryland, a person who receives a payable citation under this section may pay the specified penalty or request a trial date in writing within 30 days of receipt of the citation. The amount which may be paid without appearing in the District Court of Maryland shall be:

- \$250.00 for a violation involving money or any other thing or consideration of value not exceeding \$100; and
- \$500.00 for a violation involving money or any other thing or consideration of value exceeding \$100.

The court costs in any case in which costs are imposed are \$5.00 in addition to any fine imposed by a judge.

XLI. APPROVAL OF DISTRICT COURT AND JOINT FORMS

By the authority vested in me under § 1 – 605(b) of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland, (Md. Rules 3-303, 16-101, 16 – 106) unless otherwise prescribed by rule or law, any forms created or revised for use in the District Court must have the approval of Chief Judge of the District Court of Maryland.

XLII. CIVIL PREPAYMENT AMOUNT – BUS LANE MONITORING CITATIONS

By the authority vested under Transportation Article Section 21-1134 of the Annotated Code of Maryland, the amount which may be paid by any person choosing to prepay the civil penalty without appearing in the District Court of Maryland shall be \$50.00, which includes costs.

XLIII. CIVIL PREPAYMENT AMOUNT – WORK ZONE SPEED MONITORING SYSTEMS

By the authority vested under Transportation Article Section 21-810 of the Annotated Code of Maryland, the amount which may be paid by any person choosing to prepay the civil penalty without appearing in the District Court of Maryland shall be \$80.00, which includes costs.

XLIV. CIVIL PREPAYMENT AMOUNT – NOISE ABATEMENT MONITORING SYSTEMS

By the authority vested under Transportation Article Section 22-612 of the Annotated Code of Maryland, the amount which may be paid by any person choosing to prepay the civil penalty without appearing in the District Court of Maryland shall be \$75.00, which includes costs.

XLV. CIVIL PREPAYMENT AMOUNT – STOP SIGN MONITORING SYSTEMS

By the authority vested under Transportation Article Section 21-707.1 of the Annotated Code of Maryland, the amount which may be paid by any person choosing to prepay the civil penalty without appearing in the District Court of Maryland shall be \$40.00, which includes costs.

John P. Morrissey
Chief Judge
District Court of Maryland

DCAR XXX FINE SCHEDULE
§ 17-209. HUNTING--IN GENERAL

The fine listed below is to be utilized by all law enforcement officers and District Court Commissioners when issuing charging documents in the District Court which charge a violation of any of the provisions of Md. Code Ann., Land Use Art. § 17-209 (Hunting--In General) listed below. The fine listed below is mandatory and cannot be altered by the officer or a commissioner. Court costs are included in the prepayable fine amount listed below.

NOTE: In addition to the penalties in paragraph (1)(ii) of this subsection, the court may order the license under which the person operated in committing the violation to be suspended for 12 months from the date of the subsequent conviction.

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
17-209(b)	Illegal hunting on property owned by, operated by, or leased by the Maryland Capital Park and Planning Commission without prior written authorization from the Commission	\$120.00	1 st 1500 + court costs