

OR POLITICAL SUBDIVISION IS PARTY.

(A) IN GENERAL.

(1) COSTS SHALL BE ALLOWED TO OR AWARDED AGAINST THE STATE OR ONE OF ITS AGENCIES OR POLITICAL SUBDIVISIONS WHICH IS A PARTY TO AN APPEAL FROM AN EXECUTIVE, ADMINISTRATIVE, OR JUDICIAL DECISION, IN THE SAME MANNER AS COSTS ARE ALLOWED TO OR AWARDED AGAINST A PRIVATE LITIGANT.

(2) THE STATE, ITS AGENCY, OR THE POLITICAL SUBDIVISION SHALL PAY THE COSTS AWARDED AGAINST IT.

(B) CRIMINAL CASES.

WHEN NOTIFIED BY THE ATTORNEY GENERAL, THE POLITICAL SUBDIVISION IN WHICH A CRIMINAL CASE ORIGINATED SHALL PAY IMMEDIATELY THE COSTS INCURRED BY THE STATE.

(C) FAILURE OF DEFENDANT TO PAY COSTS.

IF A DEFENDANT AGAINST WHOM COSTS ARE ASSESSED IN A CRIMINAL APPEAL FAILS TO PAY THE COSTS OF THE POLITICAL SUBDIVISION IN WHICH THE CASE ORIGINATED, THE STATE'S ATTORNEY FOR THAT POLITICAL SUBDIVISION SHALL TAKE THE NECESSARY STEPS TO RECOVER THEM.

REVISOR'S NOTE: This section is new language derived from Art. 5, §23, edited for clarity and consistency of form. While similar provisions are contained in Md. Rules 882.f and 1082.f, it is the Commission's policy to retain in statutory form provisions requiring payment of money by the State or its agencies or subdivisions. Moreover, the statute is broader than the rules cited, since the rules apply only to the Court of Appeals and Court of Special Appeals, whereas the statute applies to any court acting in an appellate capacity.

In subsection (a), the enumeration of courts exercising appellate jurisdiction is proposed for deletion as unnecessary.

The last provision dealing with costs incurred before enactment of this section is proposed for deletion as obsolete. See Ch. 399, Acts of 1957.