

The reference to Baltimore City is deleted because Art. 1, §14 defines county as including Baltimore City. The frequency of audits is not spelled out. Presently, some sheriff's offices are audited on a monthly basis.

SEC. 2-308. SHERIFF TO COLLECT FEES AND PENALTIES.

(A) SHERIFF RESPONSIBLE FOR OFFICER'S FEES.

A SHERIFF SHALL COLLECT THE FEES OF A CLERK, REGISTER, ATTORNEY, OR OTHER OFFICER WHEN REQUESTED TO DO SO.

(B) SHERIFF RESPONSIBLE FOR PENALTIES.

A SHERIFF IS ANSWERABLE FOR ALL PENALTIES IMPOSED ON AN INHABITANT OF HIS COUNTY BY A COURT OF THE STATE UNLESS HE SHOWS THAT THE PERSON LIABLE FOR THE PENALTY IS INSOLVENT.

(C) PROCEDURE TO RECOVER FEE OR PENALTY.

A SHERIFF MAY REQUEST A WRIT OF EXECUTION FOR AN UNCOLLECTED FEE OR PENALTY, HOWEVER, NO LEVY MAY BE MADE UNDER THE WRIT UNTIL 60 DAYS AFTER THE DATE IT WAS ISSUED. BEFORE THE 60 DAYS ELAPSE, THE PERSON AGAINST WHOM THE WRIT WAS ISSUED MAY POST A RECOGNIZANCE TO STAY THE EXECUTION. IF A RECOGNIZANCE IS FORFEITED, THE SHERIFF SHALL DEDUCT THE COSTS INCURRED BY A COUNTY AND PAY THEM TO THE CLERK OF THE COURT FOR PAYMENT TO THE COUNTY.

(D) DISPOSAL OF FEES, PENALTIES, AND COSTS.

(1) AFTER DEDUCTING COSTS, ALL FEES OR PENALTIES COLLECTED BY A SHERIFF SHALL BE PAID TO THE COUNTY WHERE THE OFFENSE OCCURRED, OR TO THE PERSON OR ENTITY ENTITLED TO RECEIVE THEM.

(2) COSTS SHALL BE PAID TO THE PERSON ENTITLED TO RECEIVE THEM.

REVISOR'S NOTE: This section combines various provisions relating to collection of costs, fees, and penalties by sheriffs.

Subsection (a) is new language derived from Art. 87, §27.