



Sen. Frosh

# Gang members getting longer sentences

## Guidelines for child support updated, filing fee surcharge is raised

BY STEVE LASH

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ANNAPOLIS — In an effort to fight the scourge of violence, the **General Assembly** passed legislation this session to lengthen prison sentences for violent crimes committed by gang members.

In other action on the legal front, the legislature changed — for the first time since 1989 — the guidelines that courts use to determine child-support payments. The change is intended to bring the financial aid in line with the current cost of raising children.

The Assembly also raised the surcharge that attorneys pay when filing lawsuits, a move that will provide more money to assist low-income litigants.

The Maryland Gang Prosecution Act of 2010, HB 756, will close loopholes in a 2007 anti-gang law, according to Del. Gerron S. Levi, D-Prince George's, the measure's chief sponsor.

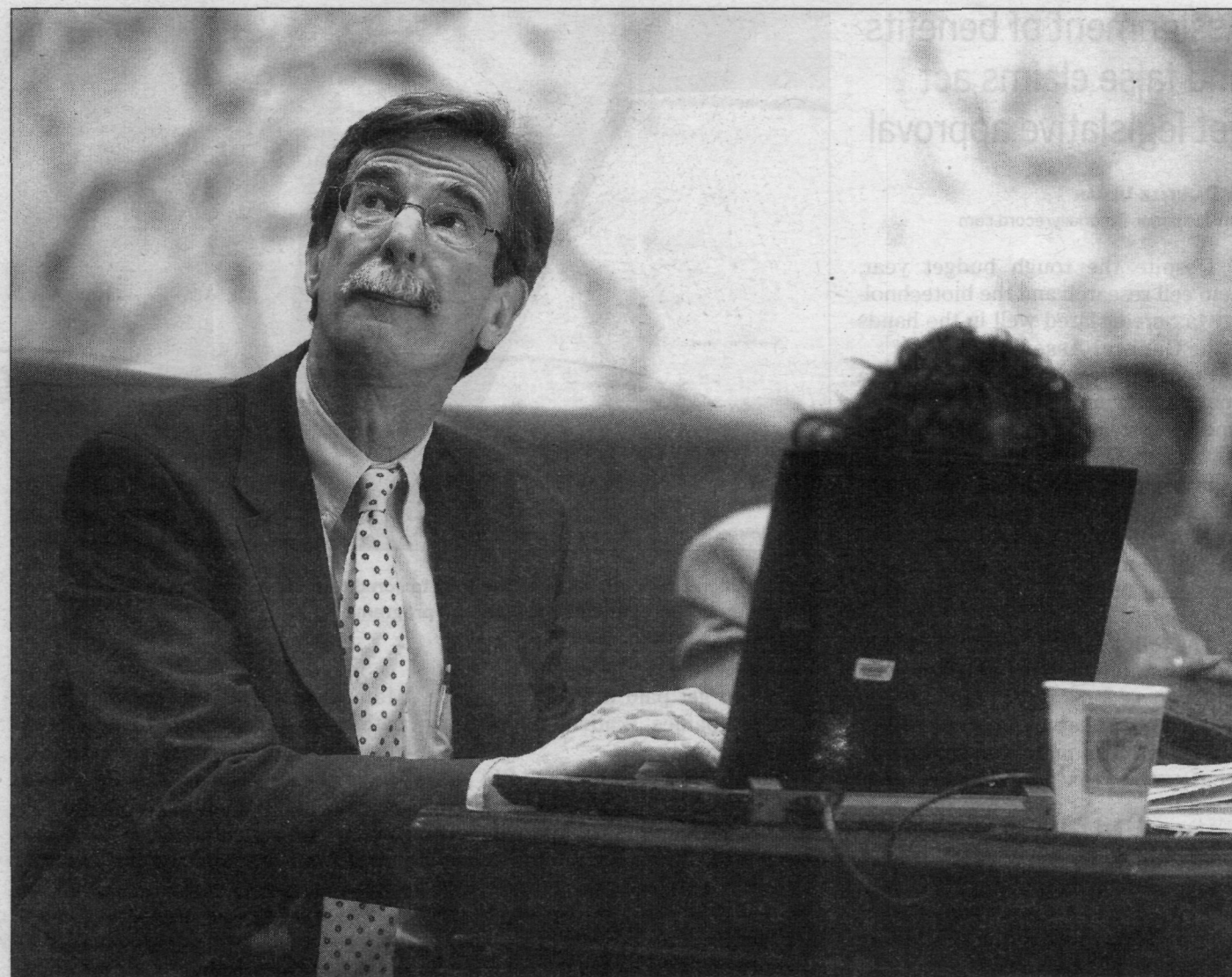
The new law, which takes effect Oct. 1, clearly defines who is a criminal gang member and requires judges to increase a prison sentence by up to 20 years if the individual has been convicted of two violent, gang-related crimes, Levi said.

"We're going to target the top-tier gang leaders and the crimes committed to strengthen these gangs," Levi said.

The tougher prison sentence, sought by the **Maryland State's Attorneys' Association**, will apply to a criminal gang member upon his or her second conviction of a violent crime in furtherance of the gang's criminal mission. Those crimes include second-degree assault, extortion, handgun possession and witness intimidation.

The change in the child-support guidelines is long overdue, said Sen. Brian E. Frosh, D-Montgomery, who chairs the Senate **Judicial Proceedings Committee** and sponsored the measure.

The old guidelines had not kept



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Sen. Brian E. Frosh of Montgomery County said the change in the child-support guidelines is long overdue.

pace with the ever-increasing costs of raising children, he added.

"It's a big step forward," Frosh said of the new guidelines.

Under the old guidelines, parents with one child and a combined adjusted actual income of \$10,000 per month, or \$120,000 annually, should contribute at least \$1,040 per month (or \$12,480 annually) to support that child. The noncustodial parent pays the difference between \$1,040 and the amount that the custodial parent is deemed to contribute.

The new law, SB 252, raises the parents' combined contribution to \$1,271 per month (or \$15,252 annually).

The new guidelines take effect Oct. 1 and apply only to new child-support cases or motions to modify child support that are brought on or

after that date. The guidelines will be applied on an escalating scale to parents with combined adjusted actual incomes of between \$900 and \$15,000 per month (or \$10,800 and \$180,000 annually).

Incomes below the threshold will result in support payments of between \$20 and \$150 per month, depending on the resources and living expenses of the non-custodial parent. Judges will have more discretion in setting child-support payments for incomes above the threshold.

The lawsuit surcharge increase, SB 248, will benefit the **Maryland Legal Services Corp. (MLSC)**, which distributes the money raised to organizations that provide legal assistance to indigent litigants.

Maryland's top jurist said the increase is needed because interest on

Lawyers Trust Accounts, the source of half of the MLSC's funding, is running dry as interest rates have plummeted in the weak economy.

For example, the interest paid this fiscal year, which began July 1, is expected to be \$2 million, compared to \$6.7 million in fiscal 2008, according to the Maryland Judiciary.

"We don't meet the needs of the poor in terms of legal services," Maryland **Court of Appeals** Chief Judge Robert M. Bell told the **House Judiciary Committee** in January when he urged lawmakers to increase the surcharge.

The boost will raise the circuit court filing surcharge from \$25 to \$55.

The fee for filing in district court will increase from \$10 to \$18. The surcharge for filing for eviction, in district court, will increase from \$5 to \$8.