

SENATE BILL 452

D3
HB 848/21 – JUD

2lr2001
CF HB 349

By: **Senator Smith**

Introduced and read first time: January 27, 2022

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 6, 2022

CHAPTER _____

1 AN ACT concerning

2 **Small Claims – Examination in Aid of Enforcement – Prohibition ~~on Arrest or~~**
3 **~~Incarceration for Failure to Appear~~**

4 FOR the purpose of prohibiting ~~an individual from being arrested or incarcerated for failure~~
5 ~~to respond to certain orders to appear in court relating to an examination in aid of~~
6 ~~enforcement of a money judgment entered in a small claim action in the District~~
7 ~~Court~~ the court from ordering the appearance of an individual for an examination in
8 aid of enforcement of a money judgment in District Court; and generally relating to
9 enforcement of certain money judgments.

10 BY adding to

11 Article – Courts and Judicial Proceedings

12 Section 11–704

13 Annotated Code of Maryland

14 (2020 Replacement Volume and 2021 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

16 That the Laws of Maryland read as follows:

17 **Article – Courts and Judicial Proceedings**

18 **11–704.**

19 ~~**AN INDIVIDUAL MAY NOT BE ARRESTED OR INCARCERATED FOR FAILURE TO**~~
20 ~~**RESPOND TO AN ORDER TO APPEAR IN COURT.**~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~(1) FOR AN EXAMINATION IN AID OF ENFORCEMENT OF A MONEY JUDGMENT ENTERED IN A SMALL CLAIM ACTION IN THE DISTRICT COURT; OR~~

~~(2) TO SHOW CAUSE WHY THE INDIVIDUAL SHOULD NOT BE FOUND IN CONTEMPT FOR FAILURE TO APPEAR IN COURT FOR AN EXAMINATION IN AID OF ENFORCEMENT OF A MONEY JUDGMENT ENTERED IN A SMALL CLAIM ACTION IN THE DISTRICT COURT.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to:~~

~~(1) any order to appear for an examination in aid of enforcement of a money judgment entered in a small claim action in the District Court on or after the effective date of this Act; and~~

~~(2) any show cause order for contempt for failure to appear in court for an examination in aid of enforcement of a money judgment entered in a small claim action in the District Court on or after the effective date of this Act.~~

IN A SMALL CLAIMS ACTION WITHIN THE JURISDICTION OF THE DISTRICT COURT UNDER § 4-405 OF THIS ARTICLE, THE DISTRICT COURT MAY NOT ORDER THE APPEARANCE OF AN INDIVIDUAL FOR AN EXAMINATION IN AID OF ENFORCEMENT OF A MONEY JUDGMENT.

~~SECTION 2. 2.~~ AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.