

# HOUSE BILL 1081

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CF SB 1050

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By: **Delegates Barron, C. Howard, Ali, Hettleman, and Sydnor**

Introduced and read first time: February 7, 2018

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Civil Actions – Body Attachment – Procedures**

3 FOR the purpose of requiring a judicial officer to give a certain individual taken into  
4 custody on a body attachment the opportunity to make a certain declaration on a  
5 certain form; requiring a judicial officer to release an individual on personal  
6 recognizance without any additional conditions and to provide a copy of a certain  
7 declaration to a certain judgment creditor under certain circumstances; requiring  
8 the Court of Appeals to adopt a certain form; and generally relating to body  
9 attachments.

10 BY repealing and reenacting, with amendments,  
11 Article – Courts and Judicial Proceedings  
12 Section 6–411  
13 Annotated Code of Maryland  
14 (2013 Replacement Volume and 2017 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 6–411.

19 (a) [An individual arrested] **THIS SECTION APPLIES ONLY TO A BODY**  
20 **ATTACHMENT ISSUED** for failure to appear in court to show cause why [the] AN individual  
21 should not be found in contempt for failure to answer interrogatories or to appear for an  
22 examination in aid of enforcement of a money judgment.

23 (B) **AN INDIVIDUAL TAKEN INTO CUSTODY ON A BODY ATTACHMENT** shall be  
24 taken immediately:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) If the court is in session, before the court that issued the [order that  
2 resulted in the arrest] **BODY ATTACHMENT**; or

3 (2) If the court is not in session, before a judicial officer of the District Court  
4 for a determination of appropriate conditions of release to ensure the individual's  
5 appearance at the next session of the court that issued the [order that resulted in the  
6 arrest] **BODY ATTACHMENT**.

7 **(C) (1) AN INDIVIDUAL BROUGHT BEFORE A JUDICIAL OFFICER UNDER**  
8 **SUBSECTION (B) OF THIS SECTION SHALL BE GIVEN THE OPPORTUNITY TO MAKE,**  
9 **UNDER PENALTY OF PERJURY, A COMPLETE DECLARATION OF THE INDIVIDUAL'S**  
10 **INCOME AND ASSETS ON A FORM PROVIDED BY THE JUDICIAL OFFICER.**

11 **(2) IF THE INDIVIDUAL MAKES A DECLARATION IN ACCORDANCE**  
12 **WITH THIS SUBSECTION, THE JUDICIAL OFFICER SHALL:**

13 **(I) RELEASE THE INDIVIDUAL ON PERSONAL RECOGNIZANCE**  
14 **WITHOUT ANY ADDITIONAL CONDITIONS; AND**

15 **(II) PROVIDE A COPY OF THE DECLARATION TO THE JUDGMENT**  
16 **CREDITOR.**

17 **[(b)] (D) If [a] THE INDIVIDUAL REFUSES TO MAKE A DECLARATION IN**  
18 **ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION, AND THE** judicial officer  
19 determines that the individual should be released on other than personal recognizance  
20 without any additional conditions, the judicial officer shall impose on the individual the  
21 least onerous condition or combination of conditions that will reasonably ensure the  
22 appearance of the individual as required.

23 **(E) THE COURT OF APPEALS SHALL ADOPT A FORM FOR A DECLARATION**  
24 **OF AN INDIVIDUAL'S INCOME AND ASSETS UNDER THIS SECTION.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2018.