

HOUSE BILL 596

D3

(3lr2387)

ENROLLED BILL

— Judiciary/Judicial Proceedings —

Introduced by **Delegate Clippinger**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Civil Actions – Interrogatories or Examination in Aid of Enforcement –**
3 **Procedure After Arrest for Failure to Appear to Show Cause**

4 FOR the purpose of requiring that an individual arrested for failure to appear in court
5 to show cause why the individual should not be found in contempt for failure to
6 answer interrogatories or to appear for an examination in aid of enforcement of
7 a money judgment be taken immediately before a certain court or before a
8 certain judicial officer for a ~~certain~~ determination of certain conditions of
9 release; specifying the conditions of release that may be imposed under certain
10 circumstances; providing for the application of this Act; and generally relating
11 to arrest for failure to appear in court in response to certain show cause orders.

12 BY adding to
13 Article – Courts and Judicial Proceedings
14 Section 6–411

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.

Italics indicate opposite chamber/conference committee amendments.



1 Annotated Code of Maryland
2 (2006 Replacement Volume and 2012 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article – Courts and Judicial Proceedings**

6 **6–411.**

7 **(A) AN INDIVIDUAL ARRESTED FOR FAILURE TO APPEAR IN COURT TO**
8 **SHOW CAUSE WHY THE INDIVIDUAL SHOULD NOT BE FOUND IN CONTEMPT FOR**
9 **FAILURE TO ANSWER INTERROGATORIES OR TO APPEAR FOR AN EXAMINATION**
10 **IN AID OF ENFORCEMENT OF A MONEY JUDGMENT SHALL BE TAKEN**
11 **IMMEDIATELY:**

12 **(1) IF THE COURT IS IN SESSION, BEFORE THE COURT THAT**
13 **ISSUED THE ORDER THAT RESULTED IN THE ARREST; OR**

14 **(2) IF THE COURT IS NOT IN SESSION, BEFORE A JUDICIAL**
15 **OFFICER OF THE DISTRICT COURT FOR A DETERMINATION OF APPROPRIATE**
16 **CONDITIONS OF RELEASE TO ENSURE THE INDIVIDUAL’S APPEARANCE AT THE**
17 **NEXT SESSION OF THE COURT THAT ISSUED THE ORDER THAT RESULTED IN THE**
18 **ARREST.**

19 **(B) IF A JUDICIAL OFFICER DETERMINES THAT THE INDIVIDUAL**
20 **SHOULD BE RELEASED ON OTHER THAN PERSONAL RECOGNIZANCE WITHOUT**
21 **ANY ADDITIONAL CONDITIONS, THE JUDICIAL OFFICER SHALL IMPOSE ON THE**
22 **INDIVIDUAL THE LEAST ONEROUS CONDITION OR COMBINATION OF CONDITIONS**
23 **THAT WILL REASONABLY ENSURE THE APPEARANCE OF THE INDIVIDUAL AS**
24 **REQUIRED.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to
26 any individual arrested for failure to respond to a show cause order for contempt for
27 failure to answer interrogatories or to appear for an examination in aid of enforcement
28 of a money judgment on or after the effective date of this Act.

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2013.