

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

Senate Bill 121

(Senator Norman, *et al.*)

Judicial Proceedings

Judiciary

Courts - Discovery - Examination in Aid of Enforcement of Money Judgment

This bill prohibits a circuit court or the District Court from requiring a judgment creditor that has requested an examination in aid of enforcing a money judgment to show that good cause exists for the examination. However, a court may require a judgment creditor to show that good cause exists for the examination of a person if the court granted a request by the judgment creditor for an examination of the same person within the previous 12 months.

Fiscal Summary

State Effect: None. The bill is procedural and does not materially affect State finances.

Local Effect: None. The bill is procedural and does not materially affect local finances.

Small Business Effect: None.

Analysis

Current Law: Under Maryland Rule 2-633, a judgment creditor in a circuit court may obtain discovery to aid the enforcement of a money judgment by (1) use of depositions, interrogatories, and requests for documents and (2) examination before a judge or examiner.

Under Maryland Rule 3-633, a judgment creditor in the District Court may obtain discovery to aid the enforcement of a money judgment by (1) use of interrogatories and (2) examination before a judge or examiner.

In the circuit courts or the District Court, a judgment creditor may file a request for examination no earlier than 30 days after the entry of a money judgment. Upon this request, the court where the money judgment was entered or recorded may issue an order requiring the appearance for examination under oath before a judge or examiner of (1) the judgment debtor or (2) any other person if the court is satisfied by affidavit or other proof that it is probable that the person has property of the judgment debtor, is indebted for a sum certain to the judgment debtor, or has knowledge of any concealment, fraudulent transfer, or withholding of any assets belonging to the judgment debtor. The order must specify when, where, and before whom the examination will be held and that failure to appear may result in the person served being held in contempt. The order must be served upon the judgment debtor or other person in the manner provided in the Maryland Rules. The judge or examiner may sequester persons to be examined, with the exception of the judgment debtor.

Maryland Rule 2-633 does not contain a provision concerning a subsequent examination in the circuit court of a judgment debtor or other person by the same judgment creditor. Maryland Rule 3-633 provides that the District Court may order a subsequent examination only for good cause shown.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Legislative Services

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Analysis by: Amy A. Devadas

Direct Inquiries to:
(410) 946-5510
(301) 970-5510