

HOUSE BILL 848

D3
HB 597/13 – JUD

1lr2944
CF SB 657

By: **The Speaker (By Request – Office of the Attorney General)**

Introduced and read first time: January 29, 2021

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 5, 2021

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; providing for the application of this Act; and generally relating to enforcement
8 of certain money judgments.

9 BY adding to

10 Article – Courts and Judicial Proceedings
11 Section 11–704
12 Annotated Code of Maryland
13 (2020 Replacement Volume)

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

16 **Article – Courts and Judicial Proceedings**

17 **11–704.**

18 **AN INDIVIDUAL MAY NOT BE ARRESTED OR INCARCERATED FOR FAILURE TO**
19 **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 **(1) FOR AN EXAMINATION IN AID OF ENFORCEMENT OF A MONEY**
2 **JUDGMENT ENTERED IN A SMALL CLAIM ACTION IN THE DISTRICT COURT; OR**

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

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

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

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

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.