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The Honorable Luke Clippinger, Chair
Members of the Maryland House Judiciary Committee
House Office Building, Room 101
11 Bladen St.
Annapolis, MD 21401-1991

Re.: **HB 848: Small Claims - Examination in Aid of Enforcement - Prohibition on Arrest or Incarceration for Failure to Appear**
PLEASE VOTE FAVORABLE

Dear Chairman Clippinger and Members of the House Judiciary Committee:

On behalf of my clients and your constituents who appear in all Maryland state courts, I provide this **written testimony in support of H.B. 848** and encourage this committee to **VOTE FAVORABLE** on the legislation.

The purpose of this bill is to eliminate modern loopholes around the Maryland Constitution's prohibition on imprisonment for owing debt.

Maryland's Constitution provides:

No person shall be imprisoned for debt, but a valid decree of a court of competent jurisdiction or agreement approved by decree of said court for the support of a spouse or dependent children, or for the support of an illegitimate child or children, or for alimony (either common law or as defined by statute), shall not constitute a debt within the meaning of this section.

MD. CONST. ART. III, § 38.

Notwithstanding this express prohibition, certain members of the debt collection bar have increasingly utilized abusive debt collection practices, including the issuance of body attachments, which have created de facto debtors' prisons. A body attachment – or a “body lien” – is an order for law enforcement to arrest the person in question and bring him or her in front of a court.

A summary of how one such incident of this practice played out follows:

- The Debt Collector served discovery against an out-of-state judgment debtor/defendant.
- The unrepresented debtor/defendant did not respond.
- The Debt Collector sought and obtained an Order compelling the discovery responses.
- The unrepresented debtor/defendant still did not respond.

- The Debt Collector then sought a Court Order to find the unrepresented debtor/defendant in contempt and to issue a Writ of Body Attachment.
- The Debt Collector concealed from the Circuit Court for Charles County that the debt it was seeking discovery upon had been settled through a separate class action and as a result of that other case debtor/defendant was no longer obligated on the debt.

No person should be imprisoned or subject to a body attachment order simply for a debt owed unless permitted by MD. CONST. ART. III, § 38. Judgement creditors should not be permitted to side-step this constitutional bar.

There is no just reason for Maryland to permit debt collectors to circumvent MD. CONST. ART. III, § 38. On behalf of my clients statewide, I urge the Committee to vote **Favorable** on **H.B. 848**

PLEASE VOTE FAVORABLE ON H.B. 848