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To: Senate Judicial Proceedings Committee
From: Phillip Robinson
Date: February 18, 2022
Subject: **STATEMENT IN SUPPORT OF SB 452**

ON BEHALF OF MY CLIENTS WHO ARE PARTIES TO LITIGATION IN ALL OF MARYLAND'S COURTS, I URGE THE COMMITTEE TO SUPPORT SB 452.

As an attorney who represents your constituents statewide on consumer matters, I support this legislation because in the context of a matter arising from a judgment on a consumer claim Maryland's Constitution bars debtors from being jailed in relation to their debts.

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.

The practice addressed by this bill is consistent with MD. CONST. ART. III, § 38 is when judges can issue arrest warrants for alleged debtors at the request of debt collectors. While the Courts may wish to issue contempt remedies for debtors who fail to follow its Orders, those contempt remedies cannot include Orders to arrest or imprison debtors without running afoul of MD. CONST. ART. III, § 38.

Certain limited collectors utilize and request the state courts to issue arrest warrants for judgment debtors. In the past I have had clients subjected to this unconstitutional practice. For example, a debtor from a judgment entered in Charles County related to his former property was subjected to one of this orders and arrest warrant in his new home state of West Virginia. The debt collector sought and obtained an order to have the debtor arrested in West Virginia and held over the course of the weekend to have him transferred back to Maryland. The debt collector took these actions even though it had agreed to a settlement waving its purported right to collect. Had I not been involved in that settlement, the debt collector would have had this debtor hauled back to Maryland after being retained in West Virginia on false pretenses over the course of a weekend without the right to do so.

FOR THESE REASONS, I ASK THAT THE COMMITTEE VOTE FAVORABLE ON SB 452.