



## Senate Bill 594

### *District Court – Small Claims – Enforcement of Money Judgments*

MACo Position: **LETTER OF  
INFORMATION**

Date: February 28, 2023

To: Judicial Proceedings Committee

From: Sarah Sample

The Maryland Association of Counties (MACo) takes **NO POSITION** on SB 594 but raises the following issues for the committee’s consideration as “letter of information.”

The major intent of this bill seems to be the prohibition of body-attachment warrants in the execution of a money judgment. The act of using someone’s physical body in place of a lien is surely a draconian practice which many states have already abolished. Unfortunately, the language of SB 594 results in a particularly broad prohibition of all the major tools counties use to collect unpaid property taxes. These are efforts that are exhausted and often found to be effective well before getting to the very end of the collection spectrum, where a body-attachment warrant would, in very limited circumstances, be requested.

When a defendant does not voluntarily pay a judgment, the in-person interview is the remaining avenue for gathering payment information. When counties can order the appearance of an individual, there is an opportunity to discuss the assets and wages available for collection of the debt. In some instances, a defendant might say they are out of work currently but are actively looking for a job and will be able to pay once they have established new revenue. This is an acceptable – and common – outcome in some of these deliberations. Additionally, as the law currently stands, vulnerable individuals who are deemed indigent and unable to pay are not even eligible for collection or detention.

Under these circumstances, most cases end well before a warrant would even be considered. This bill as written eliminates the tools in place that aid a defendant and keeps them from ever getting to the point of potential detention. Additionally, it hampers the ability of local governments to fund the programs and services that community members rely on through the regular application and payment of taxes.

MACo appreciates the opportunity to provide background and context for SB 594 and stands ready to provide additional information, if needed.

Simply put, without these tools, the county would be left waiting for payment someday with no other mechanism to hold a defendant accountable. The defendant would therefore have no incentive to pay the judgment or be cooperative because there are no repercussions, and the county would be left with a judgment that is completely unenforceable. Uncollectible taxes translate to unwanted outcomes for county residents – either abridged public services, or increased tax burdens on those who fulfill their obligations.

MACo can see that the elimination of debtor's prison is a likely and worthwhile policy outcome but would advise that a more narrow approach to the problem is preferable, rather than abandoning the requirement that people be held accountable for their known tax liabilities.