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POSITION ON PROPOSED LEGISLATION

BILL: HB0127 District Court - Small Claims - Enforcement of Money Judgments

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: 1/23/2023

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on House Bill 127. HB 127 will protect individuals in small claims court proceedings from the risk of incarceration for failing to appear at a “show cause” hearing for an interrogatory or court examination.

Small claims, where the amount in controversy is \$5,000 or less, disproportionately impact Marylanders from low-income communities, who are more likely to struggle with expenses and be unable to pay their way out of disputes. Incarceration of debtors has a counterproductive domino effect of exacerbating economic instability and jeopardizing public safety. While in jail, people’s jobs, housing, child care, and other vital resources for themselves and their family are threatened. Correctional services resources intended to address safety issues are diverted for fiscal purposes. The net cost is far greater than the maximum remedy sought in any small claims proceeding.

The Maryland Constitution and related caselaw prohibit imprisonment from debt. Body attachment orders essentially create this illegal practice. Defendants who are incarcerated as part of a small claims action pose no threat to public safety nor meet any basis for being jailed other than their alleged debt. HB 127 would end this outdated, unfair, and draconian process.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on HB 127.

Submitted by: Government Relations Division of the Maryland Office of the Public Defender.

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