

HOUSE BILL 349

D3

(2lr2848)

ENROLLED BILL

— Judiciary/Judicial Proceedings —

Introduced by **Delegate Moon**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Small Claims – Examination in Aid of Enforcement *and Interrogatories in Aid of***
3 ***Execution* – Prohibition ~~on Arrest or 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~~ *the court from ordering the appearance of an individual for an examination in*
8 *aid of enforcement or ordering an individual to answer interrogatories in aid of*
9 *execution*; and generally relating to enforcement of certain money judgments.

10 BY adding to

11 Article – Courts and Judicial Proceedings

12 Section 11–704

13 Annotated Code of Maryland

14 (2020 Replacement Volume and 2021 Supplement)

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.

Italics indicate opposite chamber/conference committee amendments.



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

3 **Article – Courts and Judicial Proceedings**

4 **11-704.**

5 ~~AN INDIVIDUAL MAY NOT BE ARRESTED OR INCARCERATED FOR FAILURE TO~~
6 ~~RESPOND TO AN ORDER TO APPEAR IN COURT:~~

7 ~~(1) FOR AN EXAMINATION IN AID OF ENFORCEMENT OF A MONEY~~
8 ~~JUDGMENT ENTERED IN A SMALL CLAIM ACTION IN THE DISTRICT COURT; OR~~

9 ~~(2) TO SHOW CAUSE WHY THE INDIVIDUAL SHOULD NOT BE FOUND IN~~
10 ~~CONTEMPT FOR FAILURE TO APPEAR IN COURT FOR AN EXAMINATION IN AID OF~~
11 ~~ENFORCEMENT OF A MONEY JUDGMENT ENTERED IN A SMALL CLAIM ACTION IN THE~~
12 ~~DISTRICT COURT.~~

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

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

17 ~~(2) any show cause order for contempt for failure to appear in court for an~~
18 ~~examination in aid of enforcement of a money judgment entered in a small claim action in~~
19 ~~the District Court on or after the effective date of this Act. IN A SMALL CLAIMS ACTION~~
20 ~~WITHIN THE JURISDICTION OF THE DISTRICT COURT UNDER § 4-405 OF THIS~~
21 ~~ARTICLE, THE DISTRICT COURT MAY NOT:~~

22 ~~(1) ORDER THE APPEARANCE OF AN INDIVIDUAL FOR AN~~
23 ~~EXAMINATION IN AID OF ENFORCEMENT OF A MONEY JUDGMENT; OR~~

24 ~~(2) ORDER AN INDIVIDUAL TO ANSWER INTERROGATORIES IN AID OF~~
25 ~~EXECUTION OF A MONEY JUDGMENT.~~

26 SECTION ~~3~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2022.