

SENATE BILL 419

D3

3lr1067
CF HB 596

By: **Senators Frosh, Conway, Gladden, Madaleno, Pinsky, Raskin, ~~and Rosapepe~~ Rosapepe, and Muse**

Introduced and read first time: January 28, 2013

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 12, 2013

CHAPTER _____

1 AN ACT concerning

2 **Civil Actions – Examination in Aid of Enforcement – Procedure After Arrest**
3 **for Failure to Appear**

4 FOR the purpose of requiring that an individual arrested for failure to appear in court
5 to show cause why the individual should not be found in contempt for failure to
6 answer interrogatories or to appear for an examination in aid of enforcement of
7 a money judgment be taken immediately before a certain court or before a
8 certain judicial officer for a ~~certain~~ determination of certain conditions of
9 release; specifying the conditions of release that may be imposed under certain
10 circumstances; providing for the application of this Act; and generally relating
11 to arrest for failure to appear in court in response to certain show cause orders.

12 BY adding to

13 Article – Courts and Judicial Proceedings

14 Section 6–411

15 Annotated Code of Maryland

16 (2006 Replacement Volume and 2012 Supplement)

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

19 **Article – Courts and Judicial Proceedings**

20 **6–411.**

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.



1 **(A) AN INDIVIDUAL ARRESTED FOR FAILURE TO APPEAR IN COURT TO**
 2 **SHOW CAUSE WHY THE INDIVIDUAL SHOULD NOT BE FOUND IN CONTEMPT FOR**
 3 **FAILURE TO ANSWER INTERROGATORIES OR TO APPEAR FOR AN EXAMINATION**
 4 **IN AID OF ENFORCEMENT OF A MONEY JUDGMENT SHALL BE TAKEN**
 5 **IMMEDIATELY:**

6 **(1) IF THE COURT IS IN SESSION, BEFORE THE COURT THAT**
 7 **ISSUED THE ORDER THAT RESULTED IN THE ARREST; OR**

8 **(2) IF THE COURT IS NOT IN SESSION, BEFORE A JUDICIAL**
 9 **OFFICER OF THE DISTRICT COURT FOR A DETERMINATION OF APPROPRIATE**
 10 **CONDITIONS OF RELEASE TO ENSURE THE INDIVIDUAL'S APPEARANCE AT THE**
 11 **NEXT SESSION OF THE COURT THAT ISSUED THE ORDER THAT RESULTED IN THE**
 12 **ARREST.**

13 **(B) IF A JUDICIAL OFFICER DETERMINES THAT THE INDIVIDUAL**
 14 **SHOULD BE RELEASED ON OTHER THAN PERSONAL RECOGNIZANCE WITHOUT**
 15 **ANY ADDITIONAL CONDITIONS, THE JUDICIAL OFFICER SHALL IMPOSE ON THE**
 16 **INDIVIDUAL THE LEAST ONEROUS CONDITION OR COMBINATION OF**
 17 **CONDITIONS THAT WILL REASONABLY ENSURE THE APPEARANCE OF THE**
 18 **INDIVIDUAL AS REQUIRED.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to
 20 any individual arrested for failure to respond to a show cause order for contempt for
 21 failure to answer interrogatories or to appear for an examination in aid of enforcement
 22 of a money judgment on or after the effective date of this Act.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
 24 October 1, 2013.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.