

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 544
State Court Administrator - Warrants of Restitution and Writs of Possession – Data Collection and Reporting
DATE: February 5, 2020
(2/18)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 544. Senate Bill 544 requires the State Court Administrator to collect, maintain, provide access for inspection to, and, on or before July 1, 2021, and quarterly thereafter, make and publish on a website accessible to the public a report of certain information related to each warrant of restitution or writ of possession issued in accordance with a judgment for possession entered under Title 7, Subtitle 1 or § 8–401, § 8–402, § 8–402.1, § 8–402.2, or 10 § 14–132 of the Real Property Article. Please note that a writ of possession as indicated in the current bill is not related to landlord/tenant actions but rather is used in debt collection activities. In landlord/tenant actions, there is a Request for a Warrant of Restitution and a signed Warrant of Restitution. The signed Warrant of Restitution authorizes the Sheriff to evict.

This legislation is unworkable as the Judiciary does not maintain or control the data this bill instructs the Judiciary to make accessible on a website. Except for the type of action from which the warrant or writ was issued, all of the information required under this bill is currently controlled and/or collected by the local sheriff's departments and other law enforcement agencies. Some of this data is not and could not be collected by the Judiciary. For example, it is unclear how the Judiciary would know whether a tenant or an occupant was present at the time the warrant was executed.

In addition, warrants of restitution are processed manually when received by the Judiciary and are not currently maintained electronically. Even if the Sheriffs provided this information to the Judiciary electronically, a new database would need to be developed and all 24 Sheriffs' offices would have to provide the information for the database. If the Judiciary is to input this data received from the Sheriffs' offices, this would require additional Judiciary clerk staff to handle the new data collection and reporting processes. It is the Judiciary's understanding that since the Sheriffs' offices

(Baltimore City) currently input this data into an excel spreadsheet, it is unclear why this bill is necessary and why such duplicative data entry efforts are needed.

cc. Hon. Ronald Young
Judicial Council
Legislative Committee
Kelley O'Connor