

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Mary Ellen Barbera  
Chief Judge

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** House Judiciary Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** House Bill 848  
Small Claims – Examination in Aid of Enforcement – Prohibition  
on Arrest or Incarceration for Failure to Appear  
**DATE:** February 3, 2021  
(2/10)  
**POSITION:** Oppose

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The Maryland Judiciary opposes House Bill 848. This bill would prohibit the arrest or incarceration of any individual for a failure to respond to an order to appear in court for enforcement of a money judgment or to show cause for contempt in a small claims action in District Court.

The Judiciary agrees that there should be a uniform procedure to enforce District Court orders in small claims actions. However, the method contemplated in House Bill 848 effectively eliminates the ability of the court to enforce its orders. By not allowing the arrest of an individual for failure to respond to a court order, that individual is essentially free to disregard the orders of the court, with no repercussion. This bill would conceivably result in more persons failing to appear after a money judgment is entered against them in a small claims action. If an individual knows that they cannot be arrested and brought to court to enforce the judgment, there is no incentive to appear. Further, there is no consequence for that failure to appear if the person cannot be forcibly brought to court to show cause why the individual should not be held in contempt.

cc. Hon. Adrienne Jones  
Judicial Council  
Legislative Committee  
Kelley O'Connor