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**Testimony to the Judicial Proceedings Committee
SB 419 – Small Claims– Examination in Aid of Enforcement
Procedure after Arrest for Failure to Appear
Position: Favorable**

February 20, 2013

The Honorable Brian Frosh
Judicial Proceedings Committee
2 East, Miller Senate Building
Annapolis, MD 21401
cc: Members, Judicial Proceedings Committee

Honorable Chair Frosh and Members of the Judicial Proceedings Committee:

The Maryland Consumer Rights Coalition (MCRC) is a statewide coalition of individuals and organizations that advances fairness and justice for Maryland consumers through research, education, and advocacy. Our members include consumer advocates, practitioners, and low-income and working families throughout Maryland.

MCRC is writing in strong support of SB 419.

The Problem

Maryland law prohibits imprisonment for debt. Yet large debt buyers are using Maryland court rule 3-633 (b) to circumvent the intent of our state constitution and 80 years of state case law.

Debt buyers purchase credit card or other debt from credit card companies and begin collection efforts. Creditors then fill out court forms requiring a consumer who allegedly owes a debt to appear for an oral exam. Should a consumer fail to appear at a hearing, a creditor can request that the court issue an “attachment for contempt” that allows a consumer to be arrested and a judge to set a bond for his or her release.

SB 419 establishes a clear and timely process for handling consumers who are arrested under Maryland rule 3-633 (b). SB 419 requires that an individual must be taken immediately before the court that issued the order that resulted in the arrest. If that court is not in session, then the individual must be taken immediately before a judicial officer of the District Court for a determination of appropriate conditions of release to ensure the individual’s appearance at the next session of the court that issued the order that resulted in the arrest.

SB 419 addresses the problem of consumers staying in jail overnight or over long weekends after an arrest under a body attachment if the court is not in session.

Last year in Maryland, there were 1830 body attachments issued and 39 Marylanders were jailed for debts under \$5,000.

SB 419 will ensure that, in the future, any Maryland consumers who might be jailed under rule 3-633 (b) are dealt with in a timely manner.

MCRC strongly supports SB 419 and urges a favorable report.

Sincerely,

Marceline White
Executive Director