



HB0640 – Repeal of the Failure to Obey a Reasonable and Lawful Order
Presented to the Hon. Luke Clippinger and Members of the House Judiciary Committee
February 12, 2021 1:30 p.m.

POSITION: SUPPORT

NARAL Pro-Choice Maryland urges Members of the House Judiciary Committee to issue a **favorable report on HB0640 – Repeal of the Failure to Obey a Reasonable and Lawful Order**, sponsored by Delegate Sheila Ruth.

The vague nature of Failure to Obey a Lawful Order encourages and allows officers to abuse their power. Because of its unspecified limits, an officer may charge a person for minor and often irrelevant grounds, such as not putting out a cigarette or leaving a public bench. As revealed nationally in the last year during the uproar in the Black Lives Matter movement, a dangerous percentage of officers hold racial and sexist biases.

FOLO creates victims of vulnerable populations in Maryland. Over half of the population arrested for FOLO in Maryland since 2017 are Black or African Americans, which is also the population that is most prone to housing instability, poverty, and general lack of access to healthcare. Within and beyond this population are women. The term recently coined by Moya Bailey, “misogynoir,” highlights the disproportionate threats and risks that Black, especially pregnant and parenting, women suffer. The concept of the “welfare queen” further emphasizes the already existing discrimination that Brown and Black mothers who are living in poverty experience.

Upon being charged, an individual faces 60 days in jails and/or a \$500 fine. For financially struggling pregnant and parenting mothers, these charges pose a much larger threat to the general health and wellbeing of the mother and her child(ren). Approximately 9.4% of women in Maryland live below the poverty line, with a national average of 12%. Becoming systems-involved without committing a criminal act can carry financial burdens difficult to overcome, as well as interferes with parental responsibilities when unnecessarily separated from one’s family. Furthermore, individuals with mental or physical disabilities or limitations are at a heightened risk of being victimized, as they may not be physically or cognitively able to comply. It is also important to acknowledge that pregnant and parenting women who are victims of sexual or domestic abuse may be fearful of law enforcement due to past negative interactions that left them feeling unprotected or retraumatized. Choosing to not engage with a law enforcement officer may be a tactic to maintaining one’s safety and survival.

Repealing Failure to Obey a Reasonable and Lawful Order will allow, especially vulnerable, Marylanders to live without fearing being charged for existing. As Marylanders, we pride ourselves on our state’s diverse population. This bill will ensure that we appreciate this diversity rather than victimizing it. Repealing FOLO will also support our efforts as a state towards gender equality and health equity, especially as it impacts our various vulnerable populations. For these reasons, NARAL Pro-Choice Maryland **urges a favorable committee report on HB0640**. Thank you for your time and consideration.