

Bill No.: HB 640

Committee: Judiciary

From: Maryland Chapter of the National Lawyers Guild

Position: Support



The Maryland Chapter of the National Lawyers Guild urges a favorable report for HB 640, which would eliminate the discriminatory practice of charging citizens with the broad, catchall crime of disobeying a lawful order given in the sole discretion of an arresting officer. This tactic is widely used to prosecute those who have committed no other crime and affects our most vulnerable citizens, including those with cognitive disabilities who would not understand they have been given a lawful order. This also criminalizes poverty by creating unnecessary police interactions for people experiencing homelessness. This practice must end.

Failure To Obey A Lawful Order grants law enforcement officers broad discretion that is often abused. This disproportionately impacts people of color and African Americans. African Americans account for more than 53 percent of the cases over the last three years where Failure To Obey is the lone charge. In cases with accompanying charges, that number rises to 64 percent. Numerous studies prove ongoing patterns of systemic racism against African Americans by officers in Maryland, and the broad discretion used when charging Failure To Obey creates an opening by which racist officers can further engage in discriminatory conduct.¹

Additionally, law enforcement officers may abuse their authority and charge an individual for Failure to Obey, which gives them probable cause to search the person and discover evidence otherwise protected by the Fourth Amendment. This practice creates a loophole by which officers can bypass an individual's constitutional rights and unjustly charge them with more serious crimes. In addition to the discriminatory application and impact of the bill, charges for Failure To Obey further hinder the ability of members of already discriminated against populations, such as African Americans and people with disabilities, to obtain meaningful employment, secure safe and affordable housing, and qualify for necessary public benefits.

The National Lawyers Guild is the nation's oldest and largest progressive bar association and was the first bar association in the US to be racially integrated. Our mission is to use law for the people, uniting lawyers, law students, legal workers, and jailhouse lawyers to function as an effective force in the service of the people by valuing human rights and the rights of ecosystems over property interests. The Maryland Chapter is composed of members from across the state - actively defending the rights of people's movements and advocating for changes within the legal and political system to protect human rights at the local, state, and national level.

For these reasons, we ask that you vote FAVORABLY for HB 640. Please contact Charlie Kerr, Maryland State Chapter Co-Facilitator, Maryland@Nlg.org, 443-842-4170, with any questions.

¹ See the 2016 Department of Justice report on the Baltimore City Police Department and the ACLU's reports on the Prince George's County Police Department.