



**Testimony for the House Judiciary Committee
February 12, 2021**

**HB 640 – Criminal Law – Failure to Obey a Reasonable and
Lawful Order - Repeal**

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The ACLU of Maryland supports HB 640, which would repeal the prohibition against failing to obey a reasonable and lawful order that a law enforcement officer makes to prevent a disturbance to the public peace.

Failure to obey is a low-level, non-violent nuisance charge that has historically been exploited by law enforcement to target and oppress people experiencing homelessness and the most vulnerable in our society – disproportionately people of color. As homelessness rises, so too does the willingness of governments and residents to use criminal laws against their homeless neighbors. People who are already vulnerable to over-policing become even more at risk when their mere presence on the street may be cause for arrest.

Laws that criminalize poverty are ineffective, waste public resources, and violate basic rights, and strip people of their dignity. Moreover, the criminalization of poverty and collateral consequences of a criminal record, even absent conviction, act as a barrier to prevent people experiencing housing insecurity from obtaining housing, employment, and a stable life for themselves and their families. Recent research from the Baltimore City Mayor's Office of Human Services found substantial rates of arrest for so-called nuisance charges and other charges, including failure to obey, that often stem from homelessness and extreme poverty.¹ Maryland must ensure that public safety resources are spent combatting actual threats, not further oppressing the most vulnerable in our communities.

For the foregoing reasons, the ACLU of Maryland urges a favorable report on HB 640.

¹ Roberts, Hannah &, Spielberger, Joe. (2018). *Journey to jobs: Understanding and eliminating barriers imposed on homeless jobseekers*. Baltimore City Continuum of Care.
<https://journeyhome.wpengine.com/wp-content/uploads/2018/06/J2J-FINAL-REPORT.pdf>