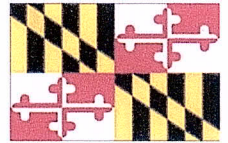




CLYDE BOATWRIGHT  
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Maryland State Lodge  
**FRATERNAL ORDER OF POLICE**

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KENNY SCHUBERT  
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February 10, 2021

**House Bill 640: Criminal Law – Failure to Obey a Reasonable and Lawful Order - Repeal**

Dear Chairman Clippinger and Distinguished Members of the Judiciary Committee,

The Maryland State Fraternal Order of Police **OPPOSES** House Bill 640 **Criminal Law – Failure to Obey a Reasonable and Lawful Order – Repeal.**

The basic duties of a Law Enforcement Officer in this State are to enforce the Laws of the State, County, and/or municipality for which the Law Enforcement Officer is employed. The Law Enforcement Officer is also responsible for maintaining Law and Order which includes keeping the Peace and preventing the furtherance of disorderly conduct and the actions of citizens that disturb the public Peace. To that end, part of the duty of enforcement leads the Law Enforcement Officer to give direction, guidance, and orders to the citizens with whom the Law Enforcement Officer comes into contact with that are in violation of the Disorderly Conduct/Disturbance of the Public Peace Statutes.

Citizens expect to live in a community where they are free from those that would cause a disturbance and/or disrupt the public Peace. It makes no sense to repeal the part of law that prevents a citizen from willfully failing to obey the reasonable and lawful order that a Law Enforcement Officer makes to prevent a disturbance of the Public Peace. A Law Enforcement Officer's first act on a scene where someone is disturbing the public peace is to get the person to cease the disturbance. If the disturbance ceases, then no further action need be taken, and everyone is happy. If the person fails to comply then the disturbance continues. If it is no longer required that the citizen comply with the lawful order of the Law Enforcement Officer, then the officer will have no ability to restore the peace through a lawful order and would have to resort to making an arrest if the citizen does not cease the disturbance. Knowing a citizen does not need to comply with a lawful order to stop their actions would likely lead many officers to not even issue any type of demand to cease the action and instead move straight to arrest once they observe the disorderly conduct. This action would result in what I am sure is an unintended effect of this bill, which would result in increasing the amount of people that are arrested for disturbing the peace as officers decide that the immediate arrest avoids confrontation and altercation since there would be no legal reason for the citizen to comply with any lawful order from the officer.

The Maryland State Lodge asks that you **OPPOSE** this bill by voting **UNFAVORABLE** on House Bill 640 **Criminal Law – Failure to Obey a Reasonable and Lawful Order - Repeal.**

Angelo L. Consoli Jr.,  
2<sup>nd</sup> Vice President, FOP, Maryland State Lodge  
President, FOP 89, Prince George's County