

HEALTH CARE FOR THE HOMELESS TESTIMONY
IN SUPPORT OF
HB 304 – Criminal Law – Failure to Obey a Reasonable and Lawful Order

House Judiciary Committee
February 1, 2022



Health Care for the Homeless supports HB 304, which would alter the language of the current law which states that someone may only be charged with failure to obey a reasonable and lawful order if there is willful non-compliance with a command given at the scene of an emergency or a situation “necessary to protect an individual from objective risk of imminent harm.” This is a narrowly tailored and just measure. “Reasonable and lawful orders” are over-utilized, particularly against people of color and people experiencing homelessness. The crime is broad, vague and provides wide discretion to a law enforcement officer, oftentimes used against people for simply existing on the streets. This law should be reformed, in the least.

Generally, the criminalization of activities witnessed in a public space perpetuates homelessness. People who must live their private lives in public spaces should not be punished for their experience of homelessness. The law is oftentimes abused of officers as a “catch-all” when they have nothing else with which to charge a person. “Lawful orders” can be ordering a person to stop an act which is completely legal, such as smoking a cigarette. Such a law is routinely utilized to police people on the streets. As such, it creates unnecessary police interactions for people experiencing homelessness. Additionally, this charge is disproportionately used against people of color: black people account for more than 53 % of the cases where Failure to Obey a Lawful Order has been charged alone in Maryland over the last 3 years; and black people account for 64% of the number of cases where Failure to Obey a Lawful order has been charged in conjunction with something else.

The current law, as written, will not help to end homelessness. In fact, it worsens homelessness: Because people experiencing homelessness are not on the street by choice but because they lack choices, criminal and civil punishment serves no constructive purpose. Some people do not have alternatives to homelessness caused by a severe shortage of affordable housing. We should not criminally punish a person for lacking other housing and employment opportunities. Instead of continuing to codify law that criminalizes homelessness, we should be looking at best practices for supporting people experiencing homelessness, such as support for more permanent supportive housing, health care, and outreach.

We must seek ways to end and prevent homelessness, not perpetuate it. For these reasons, we urge a favorable report on HB 304.

Health Care for the Homeless is Maryland’s leading provider of integrated health services and supportive housing for individuals and families experiencing homelessness. We work to prevent and end homelessness for vulnerable individuals and families by providing quality, integrated health care and promoting access to affordable housing and sustainable incomes through direct service, advocacy, and community engagement. We deliver integrated medical care, mental health services, state-certified addiction treatment, dental care, social services, and housing support services for over 10,000 Marylanders annually at sites in Baltimore City and Baltimore County. For more information, visit www.hchmd.org.