



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable Luke Clippinger, Chairman, and
Members of the Judiciary Committee

FROM: Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 1, 2022

RE: **HB 304 Criminal Law – Failure to Obey a Reasonable and Lawful Order**

POSITION: **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE HB 304**. This bill removes the prohibition against willfully failing to obey a reasonable and lawful order that a law enforcement officer makes to prevent a disturbance to the public peace.

Law enforcement is called or brought into a situation to maintain order and protect individuals in what could turn into volatile situations. These types of situations could range from monitoring a protest to assist if the protest turns violent to enforcing the wearing of masks in a public space or restaurant during a pandemic. Likewise, law enforcement when investigating crimes, especially crimes of violence, must maintain the integrity of the crime scene to avoid compromising the investigation, evidence collection, and/or contaminating the crime scene itself. Unfortunately, occasions do arise with far too much frequency where individuals purposely attempt to interfere with officers and detectives engaged in these complex investigations. Prohibiting officers from taking effective law enforcement action after providing sufficient warning and opportunity to comply with the officer's request hinders these investigations to the detriment of the victims and their families. As described, there are very valid reasons for law enforcement to direct a person to follow a lawful order to prevent a disturbance to the public peace. This bill removes this language from the statute which could negatively affect the health and safety of communities and individuals across the state.

For these reasons, the Maryland Chiefs of Police Association and the Maryland Sheriffs' Association **OPPOSE HB 304** and urge an UNFAVORABLE report.

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