

**Maryland House Judiciary Committee – Bill Hearing Friday, February 2, 2022
1:00 PM Written Testimony in Support of House Bill 304**

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*Affiliations for identification
purposes only*

Dear Judiciary Committee Members:

My name is Gabriela Sevilla and I am a Youth Attorney at the National Homelessness Law Center, Baltimore resident, and formerly homeless person. I am the co-chair of the unhoused workgroup of the People's Commission to Decriminalize Maryland and we are in strong support of House Bill 304, which will amend Maryland Criminal Code 10-201(c)(3), Failure to Obey a Lawful Order (FOLO). Maryland have the opportunity to enact change and be a leader in police reform.

Criminalizing homelessness is ineffective, and costs more money than solving the problem by ensuring access to housing. We recognize that our criminal justice system is not the solution to social problems. Currently FOLO carries up to a 6 month sentence and a fine of \$500. We move to reduce these penalty of confinement and reduce the fine. We strive to end the criminalization of homelessness and to end unnecessary police interactions with people who are trying to live their private lives in public.

On September 4, 2018 the 9th Circuit Court of Appeals affirmed that the state may not "criminalize conduct that is an unavoidable consequence of being homeless- namely sitting, lying, or sleeping on the streets" when there are more homeless persons available than shelter beds or in the absence of adequate alternatives. The 9th circuit reasoned that sitting, lying down, and sleeping in public is unavoidable. To punish that conduct is to punish a persons homeless status and thus amounted to a constitutional violation of the 8th amendment's protection against cruel and unusual punishment. This means it is illegal for the community to punish people experiencing homelessness for existing in public space when no option to do so privately is available. FOLO has been used by police to "move along" people experiencing homelessness while legally in public spaces. As written and used by law enforcement Failure to Obey a Lawful Order infringes on the civil rights of unhoused persons in Maryland.

The misuse of FOLO adds to the broken relationship between police and the community. We hope to restore trust by amending this law. I hope that you will support HB 304 to protect the civil rights of your constituents and our community.

Respectfully,

Gabriela Ines Sevilla, Esq.
Youth Attorney
National Homelessness Law Center