

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 640
Judiciary

(Delegate Ruth)

Criminal Law - Failure to Obey a Reasonable and Lawful Order - Repeal

This bill alters the crime of disturbing the peace under § 10-201 of the Criminal Law Article by repealing the prohibition under that offense for willfully failing to obey a reasonable and lawful order that a law enforcement officer makes to prevent a disturbance to the public peace.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances or operations.

Local Effect: The bill is not expected to materially affect local finances or operations.

Small Business Effect: None.

Analysis

Current Law: Section 10-201 of the Criminal Law Article contains a variety of prohibitions that constitute disturbing the peace, as described below.

A person may not (1) willfully and without lawful purpose obstruct or hinder the free passage of another in a public place or on a public conveyance; (2) willfully act in a disorderly manner that disturbs the public peace; or (3) willfully fail to obey a reasonable and lawful order that a law enforcement officer makes to prevent a disturbance to the public peace.

A person who enters the land or premises of another or a beach, as specified, may not willfully act in a disorderly manner or disturb the peace of persons on the land, premises,

or beach by making an unreasonably loud noise. Additionally, a person from any location may not, by making an unreasonably loud noise, willfully disturb the peace of another on the other's land or premises, in a public place, or on a public conveyance. Finally, a person may not build a bonfire or allow a bonfire to burn in Worcester County between 1:00 a.m. and 5:00 a.m.

Violators are guilty of a misdemeanor, punishable by imprisonment for up to 60 days and/or a maximum fine of \$500.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Montgomery and Prince George's counties; City of Bowie; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - February 10, 2021
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