

HOUSE BILL 304

E1

2lr1797

By: **Delegate Ruth**

Introduced and read first time: January 19, 2022

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Failure to Obey a Reasonable and Lawful Order**

3 FOR the purpose of altering a certain prohibition relating to willfully refusing to comply
4 with a law enforcement officer’s reasonable and lawful order; and generally relating
5 to disturbing the peace.

6 BY repealing and reenacting, with amendments,
7 Article – Criminal Law
8 Section 10–201
9 Annotated Code of Maryland
10 (2021 Replacement Volume and 2021 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
12 That the Laws of Maryland read as follows:

13 **Article – Criminal Law**

14 10–201.

15 (a) (1) In this section the following words have the meanings indicated.

16 (2) (i) “Public conveyance” means a conveyance to which the public or a
17 portion of the public has access to and a right to use for transportation.

18 (ii) “Public conveyance” includes an airplane, vessel, bus, railway
19 car, school vehicle, and subway car.

20 (3) (i) “Public place” means a place to which the public or a portion of
21 the public has access and a right to resort for business, dwelling, entertainment, or other
22 lawful purpose.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (ii) "Public place" includes:
- 2 1. a restaurant, shop, shopping center, store, tavern, or other
3 place of business;
- 4 2. a public building;
- 5 3. a public parking lot;
- 6 4. a public street, sidewalk, or right-of-way;
- 7 5. a public park or other public grounds;
- 8 6. the common areas of a building containing four or more
9 separate dwelling units, including a corridor, elevator, lobby, and stairwell;
- 10 7. a hotel or motel;
- 11 8. a place used for public resort or amusement, including an
12 amusement park, golf course, race track, sports arena, swimming pool, and theater;
- 13 9. an institution of elementary, secondary, or higher
14 education;
- 15 10. a place of public worship;
- 16 11. a place or building used for entering or exiting a public
17 conveyance, including an airport terminal, bus station, dock, railway station, subway
18 station, and wharf; and
- 19 12. the parking areas, sidewalks, and other grounds and
20 structures that are part of a public place.

21 (b) For purposes of a prosecution under this section, a public conveyance or a
22 public place need not be devoted solely to public use.

23 (c) (1) A person may not willfully and without lawful purpose obstruct or
24 hinder the free passage of another in a public place or on a public conveyance.

25 (2) A person may not willfully act in a disorderly manner that disturbs the
26 public peace.

27 (3) (I) 1. IN THIS PARAGRAPH THE FOLLOWING WORDS HAVE
28 THE MEANINGS INDICATED.

29 2. "EMERGENCY" MEANS AN URGENT, SUDDEN, AND
30 SERIOUS EVENT OR AN UNFORESEEN CHANGE IN CIRCUMSTANCES THAT

1 NECESSITATES IMMEDIATE ACTION TO REMEDY HARM OR AVERT IMMINENT
2 DANGER TO LIFE OR HEALTH.

3 3. "LAWFUL ORDER" MEANS A COMMAND:

4 A. GIVEN AT THE SCENE OF AN EMERGENCY; OR

5 B. NECESSARY TO PROTECT AN INDIVIDUAL FROM
6 OBJECTIVE RISK OF IMMINENT HARM.

7 4. "WILLFULLY" MEANS DELIBERATELY DISOBEYING A
8 LAW ENFORCEMENT OFFICER'S REASONABLE AND LAWFUL ORDER AFTER THE LAW
9 ENFORCEMENT OFFICER'S EXPLICIT WARNING THAT NONCOMPLIANCE MAY RESULT
10 IN PROSECUTION AND, IF THE LAW ENFORCEMENT OFFICER IS NOT IN UNIFORM, AN
11 EXPLICIT IDENTIFICATION OF THE INDIVIDUAL AS A LAW ENFORCEMENT OFFICER.

12 (II) A person may not willfully [fail] REFUSE to [obey] COMPLY
13 WITH a LAW ENFORCEMENT OFFICER'S reasonable and lawful order [that a law
14 enforcement officer makes to prevent a disturbance to the public peace].

15 (4) A person who enters the land or premises of another, whether an owner
16 or lessee, or a beach adjacent to residential riparian property, may not willfully:

17 (i) disturb the peace of persons on the land, premises, or beach by
18 making an unreasonably loud noise; or

19 (ii) act in a disorderly manner.

20 (5) A person from any location may not, by making an unreasonably loud
21 noise, willfully disturb the peace of another:

22 (i) on the other's land or premises;

23 (ii) in a public place; or

24 (iii) on a public conveyance.

25 (6) In Worcester County, a person may not build a bonfire or allow a bonfire
26 to burn on a beach or other property between 1 a.m. and 5 a.m.

27 (d) [A] EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A person
28 who violates this section is guilty of a misdemeanor and on conviction is subject to
29 imprisonment not exceeding 60 days or a fine not exceeding \$500 or both.

30 (E) A PERSON WHO VIOLATES SUBSECTION (C)(3) OF THIS SECTION IS

1 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:**

2 **(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$100;**

3 **(2) FOR A SECOND OFFENSE, A FINE NOT EXCEEDING \$250; AND**

4 **(3) FOR A THIRD OR SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING**
5 **\$500.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2022.