



POSITION ON PROPOSED LEGISLATION

Bill: SB 589 Criminal Procedure – Police Officers- Stop Procedures

Position: Favorable

Date: January 15, 2021

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on Senate Bill 589.

The right to remain silent, the right to due process, and now, and the freedom of movement are rights protected by the United States' Constitution and the Maryland Declaration of Rights.

Here, this bill codifies some of those rights as well as requires officers to inform individuals of their rights. Fourteen states around the country have similar requirements. For example, the Seattle Police Department Manual requires officers to provide identifying information upon request when practicable. There is no present data that suggests doing so would create additional safety concerns or jeopardize investigations. This bill should not be an exception, but a rule.

Moreover, the right to refuse to speak, to be informed of the basis for the stop, and to terminate the stop are guided by Supreme Court precedent interpreting fundamental constitutional rights. See *Miranda*; see also *Terry*. This bill merely requires law enforcement to inform individuals of their constitutional rights during police interactions.

Further, this bill protects an individual's constitutional right to record interactions with police officers. As defense lawyers, we've seen clients and bystanders attempt to record police officers' actions and have their phones taken away.

For these reasons the Office of the Public Defender supports this bill.

