



POSITION ON PROPOSED LEGISLATION

BILL: HB 197 - Criminal Procedure – Police Officers – Stop Procedures (Know Your Rights Act)
POSITION: Support
DATE: February 5, 2021

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on House Bill 197.

The Maryland Declaration of Rights, Article 4, establishes the right of the People to regulate the Police. The way to regulate is to empower and educate the People of their rights. The right to remain silent, the right to due process, and now, the right to know who is stopping them and why. Such a simple change can lead to a ripple of positive effects.

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.

We teach our kids to stay away from strangers, we do not answer the door to folks we do not know. Why should law enforcement be any different? At the end of the day, the person behind that shield carries a gun, and every Person in this State should be allowed to learn that armed individual's name, badge number, agency, and reason for interacting with them.

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.

For these reasons, the Maryland Office of the Public Defender urges a favorable report on House Bill 197.

Respectfully submitted,

/s/ Roberto Martinez

Roberto C. Martinez, Esq.
Assistant Public Defender, District VI
Office of the Public Defender
Rockville, MD 20850
Office: (301) 563-8952
roberto.martinez@maryland.gov