

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 304
Judiciary

(Delegate Ruth)

Criminal Law - Failure to Obey a Reasonable and Lawful Order

This bill alters the crime of failing to obey a law enforcement officer's reasonable and lawful order, under § 10-201(c)(3) of the Criminal Law Article, by altering the elements of the offense and the penalties for a violation.

Fiscal Summary

State Effect: Potential minimal decrease in general fund revenues and expenditures, as discussed below.

Local Effect: Potential minimal decrease in local expenditures, as discussed below. Revenues are not materially affected.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: Currently, under § 10-201(c)(3), a person may not willfully fail to obey a reasonable and lawful order that a law enforcement officer makes to prevent a disturbance to the public peace. Violators are guilty of a misdemeanor, punishable by imprisonment for up to 60 days and/or a maximum fine of \$500.

Under the bill, a person may not willfully refuse to comply with a law enforcement officer's reasonable and lawful order. "Willfully" means deliberately disobeying a law enforcement officer's reasonable and lawful order after the law enforcement officer's explicit warning that noncompliance may result in prosecution and, if the law enforcement officer is not in uniform, an explicit identification of the individual as a law enforcement officer. "Lawful

order” means a command (1) given at the scene of an emergency or (2) necessary to protect an individual from objective risk of imminent harm. “Emergency” means an urgent, sudden, and serious event or an unforeseen change in circumstances that necessitates immediate action to remedy harm or avert imminent danger to life or health. Violators are guilty of a misdemeanor, punishable by a maximum fine of \$100 for a first offense, a maximum fine of \$250 for a second offense, and a maximum fine of \$500 for a third or subsequent offense.

State Fiscal Effect: According to the Judiciary, the following violations (charges) and convictions occurred in the District Court under § 10-201(c)(3):

- 2,059 violations and 130 convictions during fiscal 2021;
- 2,854 violations and 131 convictions during fiscal 2020; and
- 3,311 violations and 209 convictions during fiscal 2019.

General fund revenues may decrease minimally from fines imposed in the District Court as a result of the bill’s reduction in the maximum fine for a first or second offense under § 10-201(c)(3).

Due to the elimination of the incarceration penalty for a violation of § 10-201(c)(3), the bill reduces the number of initial appearances and bail reviews conducted in the District Court. This estimate assumes that any resources and efforts directed at these initial appearances and bail reviews are redirected to other District Court cases and responsibilities.

General fund expenditures may decrease minimally due to fewer people being committed to State correctional facilities for convictions in Baltimore City. Generally, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. The Baltimore Pretrial Complex, a State-operated facility, is used primarily for local detentions.

The Maryland Transit Administration advises that the bill may have a minimal operational impact due to officer training. This estimate assumes that any changes to training of State law enforcement officers can be handled with existing budgeted resources.

Local Expenditures: Local incarceration expenditures may decrease minimally under the bill. Counties pay the full cost of incarceration for people in their facilities for the first 12 months of the sentence. Per diem operating costs of local detention facilities have ranged from approximately \$90 to \$300 per inmate in recent years.

The City of Havre de Grace advises that the bill may necessitate additional training. This estimate assumes that local law enforcement agencies can handle training generated by the bill with existing budgeted resources.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Baltimore, Charles, Frederick, Montgomery, and Somerset counties; City of Havre de Grace; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of General Services; Department of Natural Resources; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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