

OFFICE OF THE PUBLIC DEFENDER

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TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER REGARDING:

House Bill No. 7753

**ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- DISARMING A
PEACE OFFICER**

Chairwoman Hagan McEntee and Members of the House Judiciary Committee:

The Office of the Public Defender **opposes** House Bill No. 7753, caption “disarming a police officer.” This bill would make it a felony to remove or attempt to remove a firearm or other weapon from a peace officer or investigator from the Department of Attorney General. The new offense would be punishable by imprisonment for a minimum of one year and a maximum of five years. Additionally, the legislation also criminalizes knowingly depriving or attempting to deprive a peace officer of the use of a cell phone, radio, or body-worn camera, with the same minimum mandatory sentence of one year imprisonment.

While we recognize the serious public safety issues at stake, our office has consistently opposed legislation containing minimum mandatory sentences. Such provisions constrain judicial discretion, preventing judges from considering the unique facts and circumstances of each case. In addition, they disproportionately impact marginalized groups.

Furthermore, we believe that the act of attempting to remove a peace officer’s cell phone, radio, or body-worn camera should not be classified as the same offense as attempting to disarm an officer of a firearm or other weapon. These actions do not carry the same level of threat to public safety and should not warrant the same penalty.

We recommend shifting from overly punitive measures to a more flexible sentencing scheme, and separating the offenses into two categories, with two different levels of culpability. Therefore, we ask the Committee to rethink the passage of this bill.

Sincerely,

/s/ Angela M. Yingling

Angela M. Yingling

Legislative Liaison

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