

**MEMORANDUM**

TO: County Council

FROM: Robert H. Drummer, Legislative Attorney 

SUBJECT: **Introduction:** Expedited Bill 35-09, Police – Drug Enforcement Forfeitures Fund  
- Amendments

Expedited Bill 35-09, Police – Drug Enforcement Forfeitures Fund - Amendments, sponsored by Councilmember Trachtenberg, Council President Andrews, and Councilmember Elrich, is scheduled to be introduced on October 13. A public hearing is tentatively scheduled for November 3 at 1:30 p.m.

Bill 35-09 would authorize the use of the Drug Enforcement Forfeitures Fund for drug prevention and treatment programming and Drug Court operations. The Bill would also require the Chief of Police to report quarterly to the Council concerning the revenue and expenses of the Drug Enforcement Fund. Recent shortfalls in County revenue have increased the need to find additional funds for these much needed services.

<u>This packet contains:</u>	<u>Circle #</u>
Expedited Bill 35-09	1
Legislative Request Report	5

Expedited Bill No. 35-09  
Concerning: Police – Drug Enforcement  
Forfeitures Fund - Amendments  
Revised: October 8, 2009 Draft No. 3  
Introduced: October 13, 2009  
Expires: April 13, 2011  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

---

By: Councilmember Trachtenberg, Council President Andrews, and Councilmember Elrich

---

**AN EXPEDITED ACT** to:

- (1) authorize the use of the Drug Enforcement Forfeitures Fund for drug prevention and treatment programming and Drug Court operations;
- (2) require the Chief of Police to report quarterly to the Council concerning the revenue and expenses of the Drug Enforcement Forfeitures Fund; and
- (3) generally amend the law concerning the Drug Enforcement Forfeitures Fund.

By amending

Montgomery County Code  
Chapter 35, Police  
Section 35-13B

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1           **Sec. 1. Section 35-13B is amended as follows:**

2   **35-13B.     Drug Enforcement Forfeitures Fund**

3           (a) In the Department of Police, [there is created] the Chief must  
4           administer the Drug Enforcement Forfeitures Fund (hereinafter the  
5           Fund).

6           (b) The [county executive] County Executive or a designee must deposit  
7           in the [Drug Enforcement Forfeitures] Fund all money that is forfeited  
8           to the County under state law as drug-related contraband. Forfeited  
9           money may include cash and:

10           (1) proceeds from the sale of real property;

11           (2) criminal proceeds;

12           (3) proceeds from the sale of means of transport, including  
13           vehicles, boats, and airplanes;

14           (4) personal property, including financial instruments;

15           (5) funds turned over to the County by other government agencies  
16           through drug enforcement asset sharing procedures; and

17           (6) any other funds to which the County is entitled as the result of  
18           drug forfeiture proceedings.

19           (c) [(1) The Director of the Department of Police must administer the  
20           Drug Enforcement Forfeitures Fund.]

21           [(2)] The [Director] Chief must use the [Drug Enforcement  
22           Forfeitures] Fund for expenses related to enforcement of laws  
23           regarding controlled dangerous substances. These expenses  
24           may include:

25           [(A)] (1) drug prevention and treatment programs;

26           (2) Drug Court operations and programs;

27           (3) payments to informants;

28                    [(B)] (4)    purchase or lease of equipment; and  
 29                    [(C)] (5)    any other expense related to [such] enforcement  
 30                    [activities] of laws regarding controlled dangerous  
 31                    substances.

32            (3)    (A)    The [director] Chief may transfer funds to another law  
 33                    enforcement agency if the other law enforcement agency  
 34                    initiated the forfeiture proceeding or was significantly  
 35                    involved in the arrest or investigation leading to the  
 36                    forfeiture.

37                    (B)    The [director] Chief must transfer to the Maryland-  
 38                    National Capital Park Police all funds in the [Drug  
 39                    Enforcement Forfeitures] Fund that result from any arrest  
 40                    [within the boundaries of] in any park under the  
 41                    Commission's jurisdiction [of the Maryland-National  
 42                    Capital Park and Planning Commission] if the arrest was  
 43                    initiated by the Park Police and another law enforcement  
 44                    agency was not involved in the arrest or investigation.

45            (d)    The money in [this fund] the Fund:

- 46                    (1)    is subject to audit by the [county executive] Executive; and  
 47                    (2)    must be included and identified in any financial report of the  
 48                    [Police department] Department.

49            (e)    The Chief must provide a quarterly report on the Fund to the  
 50                    Executive and Council. This report must include:

- 51                    (1)    the current balance;  
 52                    (2)    all deposits from forfeitures; and  
 53                    (3)    all expenditures by category.

54            (f)    The [county executive] Executive may adopt regulations under

55 method (2) to implement this Section.

56 **Sec. 2. Expedited Effective Date.**

57 The Council declares that this legislation is necessary for the immediate  
58 protection of the public interest. This Act takes effect on the date it becomes law.

59 *Approved:*

60

---

Philip M. Andrews, President, County Council Date

61 *Approved:*

62

---

Isiah Leggett, County Executive Date

63 *This is a correct copy of Council action.*

64

---

Linda M. Lauer, Clerk of the Council Date

## LEGISLATIVE REQUEST REPORT

Expedited Bill 35-09

*Police – Drug Enforcement Forfeitures Fund - Amendments*

**DESCRIPTION:** To require quarterly reports to the Council on the Drug Enforcement Forfeitures Fund (DEFF) and to expand the authorized uses of the Fund to include drug prevention and treatment programming and Drug Court operations.

**PROBLEM:** To identify additional funds for drug prevention and treatment programs and Drug Court operations. Recent shortfalls in County revenue have increased the need to find additional funds for these much needed services.

**GOALS AND OBJECTIVES:** To protect the interest of the public.

**COORDINATION:** Department of Police, Department of Finance

**FISCAL IMPACT:** To be requested.

**ECONOMIC IMPACT:** To be requested.

**EVALUATION:** To be requested.

**EXPERIENCE ELSEWHERE:** To be researched.

**SOURCE OF INFORMATION:** Robert H. Drummer, Legislative Attorney, 240-777-7895

**APPLICATION WITHIN MUNICIPALITIES:** To be researched.

**PENALTIES:** None