

Climate Assessment

Office of Legislative Oversight

Bill 14-23: Police – Late Night Business Safety Plan

SUMMARY

The Office of Legislative Oversight (OLO) anticipates that Bill 14-23 will have no impact on the County's contribution to addressing climate change as the changes proposed by the Bill would likely not affect greenhouse gas emissions, nor community resilience.

BACKGROUND AND PURPOSE OF BILL 14-23

According to the County Executive, the intent of Bill 14-23 is to “ensure that the County public safety agencies and businesses are working synergistically to ensure there are improvements to the balance of [nightlife] safety and vibrancy throughout our County.” Towards that end, the Bill proposes requiring “certain establishments that operate in the late night/early morning hours, in areas with higher calls for service during those hours, to develop a Safety Plan.”¹

Bill 14-23 defines a late night business as “a business located within a ‘priority’ police response area if the business: (1) has liquor, tobacco, or food sold and consumed on the premises; and (2) operates between the hours of midnight and 6:00 a.m.”² If enacted, Bill 14-23 would:

- **Require that designated late night businesses submit a late night business safety plan to the Montgomery County Police Department (MCPD) every three years.** The late night business plan would depend upon the business and could require security personnel and training, exterior lighting, digital security cameras, and clearing exterior windows, among other things. Businesses that are required to install security cameras would have to provide video recordings to MCPD upon demand if MCPD is investigating a violent felony. MCPD could recommend, but not require, a business to search patrons by metal detectors, magnetometers, or pat downs.
- **Authorize MCPD to review and approve a proposed late night business safety plan.** The late night business safety plan would be subject to MCPD approval. If the plan is disapproved, the late night business would not be permitted to operate from midnight to 6:00 a.m.
- **Authorize MCPD to establish the requirements of a late night business plan.** MCPD would be required to develop Method (2) regulations to implement the Bill's requirements. The regulations would need to be submitted to the Council for review and approval within 180 days of the Bill's enactment. Late night businesses would be required to submit a late night business safety plan within 90 days of the approved regulations being published in the County Register.

Violations of the Bill would constitute a Class A violation; each day a violation continues would be a separate offense.³

Bill 14-23, Police – Late Night Business Safety Plan, was introduced by the Council at the request of the County Executive on February 28, 2023.⁴

ANTICIPATED IMPACTS

As Bill 14-23 proposes requirements for late night businesses to develop a safety plan and these actions are not likely to affect greenhouse gas emissions nor community resilience, OLO anticipates that Bill 14-23 will have no impact on the County’s contribution to addressing climate change.

RECOMMENDED AMENDMENTS

The Climate Assessment Act requires OLO to offer recommendations, such as amendments or other measures to mitigate any anticipated negative climate impacts.⁵ OLO does not offer recommendations or amendments as Bill 14-23 is likely to have no impact on the County’s contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions, community resilience, and adaptative capacity.

CAVEATS

OLO notes two caveats to this climate assessment. First, predicting the impacts of legislation upon climate change is a challenging analytical endeavor due to data limitations, uncertainty, and the broad, global nature of climate change. Second, the analysis performed here is intended to inform the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO’s endorsement of, or objection to, the bill under consideration.

PURPOSE OF CLIMATE ASSESSMENTS

The purpose of the Climate Assessments is to evaluate the anticipated impact of legislation on the County’s contribution to addressing climate change. These climate assessments will provide the Council with a more thorough understanding of the potential climate impacts and implications of proposed legislation, at the County level. The scope of the Climate Assessments is limited to the County’s contribution to addressing climate change, specifically upon the County’s contribution to greenhouse gas emissions and how actions suggested by legislation could help improve the County’s adaptative capacity to climate change, and therefore, increase community resilience.

While co-benefits such as health and cost savings may be discussed, the focus is on how proposed County bills may impact GHG emissions and community resilience.

CONTRIBUTIONS

OLO staffer Kaitlyn Simmons drafted this assessment.

¹ Memorandum from County Executive to Council President, Introduction Staff Report for Bill 14-23, February 1, 2023.

² Bill 14-23 defines a priority area as one or more police response areas (PRA) identified and published by the Montgomery County Police Department, based upon public safety indicators, including crime levels, as areas where late night businesses would benefit by operating in accordance with a late night safety plan.

³ Refer to Montgomery County Code, Chapter 1, Article 01, Sec. 1-19 for fines and penalties associated with Class A violations.

⁴ Introduction Staff Report for Bill 14-23, Introduced February 23, 2023.

https://apps.montgomerycountymd.gov/ccllms/DownloadFilePage?FileName=2789_1_23775_Bill_14-23_Introduction_20230228.pdf

⁵ Bill 3-22, Legislative Branch – Climate Assessments – Required, Montgomery County Council, Effective date October 24, 2022