

Bill No. 1-04
Concerning: Offenses - Disruptive
Behavior - Public Facilities
Revised: 6-15-04 Draft No. 4
Introduced: January 13, 2004
Enacted: June 15, 2004
Executive: June 25, 2004
Effective: September 24, 2004
Sunset Date: None
Ch. 12, Laws of Mont. Co. 2004

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the request of the County Executive

AN ACT to:

- (1) prohibit certain disruptive behavior at public facilities;
- (2) authorize certain County officials to restrict the access of disruptive persons to certain public facilities;
- (3) impose a penalty for engaging in disruptive behavior at a public facility; and
- (4) generally regulate conduct at public facilities.

By adding

Montgomery County Code
Chapter 32, Offenses - Victim Advocates
Section 32-19C

Boldface

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

* * *

*Heading or defined term.**Added to existing law by original bill.**Deleted from existing law by original bill.**Added by amendment.**Deleted from existing law or the bill by amendment.**Existing law unaffected by bill.*

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

Sec. 1. Chapter 32 is amended by adding Section 32-19C:

32-19C. Disruptive Behavior – Public Facilities

(a) In this Section, the following terms have the following meanings unless the context clearly indicates otherwise:

(1) Reviewing authority means[[:]]

[[(A)]] the Chief Administrative Officer or an Assistant Chief Administrative Officer[[; or

(B) a Department Director or the Director’s senior-level designee]]. An enforcement agent must not serve as reviewing authority.

(2) Enforcement agent means:

(A) a Department Director:

(B) a police officer, deputy sheriff, or County security officer;

(C) an assistant director, division chief, service chief, or other person in charge of a facility, who is designated by a Department Director: or

(D) a designee of the Director of Community Use of Public Facilities.

(3) Public facility means any building, grounds, or transit vehicle owned, leased, or used by the County, the Revenue Authority, or the Director of Community Use of Public Facilities.

[[(b) This Section does not apply to constitutionally-protected conduct.]]

[[(c)]] **(b) A person must not:**

(1) act in a manner that a reasonable person would find disrupts the normal functions being carried on at [[a]] that public facility; or

(2) engage in conduct that is specifically prohibited by a notice conspicuously posted at [[the]] that public facility. The type of

28 conduct that may be prohibited by a conspicuously posted notice
 29 is conduct that is likely to disrupt others' use of the public
 30 facility, or conduct that poses a danger to the person engaging in
 31 the conduct or to others.

32 ~~[[d]]~~ (c) A person must not refuse, after engaging in conduct prohibited by
 33 subsection ~~[[c]]~~ (b) at a public facility, to accurately identify himself
 34 or herself when asked to do so by an enforcement agent.

35 ~~[[e]]~~ (d) If a person engages in conduct prohibited by subsection ~~[[c]]~~ (b),
 36 an enforcement agent may issue and personally deliver a written order
 37 to the person that:

38 (1) denies the recipient access to that public facility for a period not
 39 exceeding 90 days;

40 (2) prohibits the recipient, if a minor, from entering that public
 41 facility without being accompanied by a parent, custodian, or
 42 guardian;

43 (3) requires the recipient to receive prior written permission from the
 44 enforcement agent or another specified person designated by the
 45 Department Director before entering that public facility; or

46 (4) imposes any other reasonable condition intended to assure that
 47 normal functions carried on at that public facility are not
 48 unreasonably disrupted.

49 If the public facility is a transit vehicle, any order under this subsection
 50 may apply to some or all other transit vehicles.

51 ~~[[f]]~~ (e) An order issued under subsection ~~[[e]]~~ (d) must notify the recipient
 52 that he or she may meet with a reviewing authority to discuss any
 53 reasons why the recipient's access to the applicable public facility
 54 should not be restricted. The notice must specify the proposed place,

55 date, and time of the meeting. The meeting must initially be scheduled
 56 to be held during the next business day after the order is delivered to the
 57 recipient. At the request of the recipient, the reviewing authority may
 58 reschedule the meeting at a later date. If a meeting is held, the
 59 reviewing authority may affirm, modify, suspend, or rescind the order.

60 ~~[[g]]~~ ~~[[f]]~~ If a person believes that conduct prohibited by a conspicuously
 61 placed notice under subsection [[c]] (b)(2) is not dangerous either to
 62 the person or others, or is conduct that would not be disruptive, before
 63 engaging in the conduct the person must:

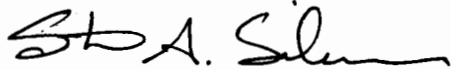
- 64 (1) inform the Chief Administrative Officer in writing (by certified
 65 mail) of the reasons why the conduct is either not dangerous or is
 66 not disruptive: and
- 67 (2) wait for a decision by the Chief Administrative Officer on
 68 whether the conduct will continue to be prohibited.

69 Within 10 business days after receiving that certified mail, the Chief
 70 Administrative Officer must make a decision and notify the sender of
 71 the decision and the reasons for it by regular mail. The sender may seek
 72 judicial review of an adverse decision in the Circuit Court within 30
 73 days after receiving it. The Court may reverse or modify the decision if
 74 it finds that the Chief Administrative Officer had no reasonable basis for
 75 the decision. A person must not engage in any prohibited conduct until
 76 the court action is final.]]

77 ~~[[h]]~~ ~~[[g]]~~ (f) A person must not violate an order issued under subsection
 78 [[e]] (d). A person who violates subsections (b) or (c) [[or (d)]] or an
 79 order issued under subsection [[e]] (d) has committed a Class A
 80 violation.

81 (g) The Chief Administrative Officer must report to the Council not later
82 than March 1 each year on the use of this Section during the previous
83 calendar year, including the number of orders issued under subsection
84 (d) by each department or office.

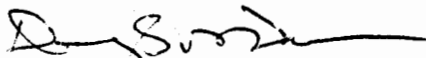
85 *Approved:*

87 

Steven A. Silverman, President, County Council

June 17, 2004
Date

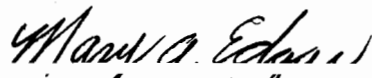
88 *Approved:*

90 

Douglas M. Duncan, County Executive

6/25/04
Date

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

93 

Mary A. Edgar, CMC, Clerk of the Council

June 28, 2004
Date