

Expedited Bill No. 35-09  
Concerning: Police – Drug Enforcement  
Forfeitures Fund - Amendments  
Revised: November 12, 2009 Draft No. 8  
Introduced: October 13, 2009  
Enacted: November 17, 2009  
Executive: November 27, 2009  
Effective: November 27, 2009  
Sunset Date: None  
Ch. 28, Laws of Mont. Co. 2009

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Councilmember Trachtenberg, Council President Andrews, Councilmember Elrich, Council Vice President Berliner, Councilmember Leventhal, and Councilmember Navarro

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**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 of Police  
4               must administer the Drug Enforcement Forfeitures Fund (hereinafter  
5               the 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)] (1)   The [Director] Chief of Police must use the [Drug  
22               Enforcement Forfeitures] Fund for expenses related to  
23               enforcement of laws regarding controlled dangerous substances.

24               These expenses may include:

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

26               [(2)] (B)   Drug Court operations and programs;

27               [(3)] (C)   payments to informants;

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

32 ~~[(3)]~~ (2) (A) The [director] Chief of Police may transfer funds  
 33 to another law enforcement agency if the other law  
 34 enforcement agency initiated the forfeiture proceeding or  
 35 was significantly involved in the arrest or investigation  
 36 leading to the forfeiture.

37 (B) The [director] Chief of Police must transfer to the  
 38 Maryland-National Capital Park Police all funds in the  
 39 [Drug Enforcement Forfeitures] Fund that result from  
 40 any arrest [within the boundaries of] in any park under  
 41 the 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 of Police must provide ~~[[a quarterly report]]~~ two reports on  
 50 the Fund to the Executive and Council ~~[[. This report must include]]~~  
 51 as follows:

52 (1) [[the current balance;

53 (2) all deposits from forfeitures; and

54 (3) all expenditures by category.]] On March 15, a report including:

- 55                   (A) the beginning unreserved balance for the current fiscal
- 56                   year;
- 57                   (B) actual expenditures from July 1 to February 28 of the
- 58                   current fiscal year;
- 59                   (C) the projected expenditures for the remainder of the
- 60                   current fiscal year;
- 61                   (D) all deposits from forfeitures between July 1 and February
- 62                   28 of the current fiscal year; and
- 63                   (E) the projected year end balance for the current fiscal year;
- 64                   and
- 65                   (2) On December 15, a report including:
- 66                   (A) the actual beginning unreserved balance for the current
- 67                   fiscal year;
- 68                   (B) DEFF approved budget by category;
- 69                   (C) all deposits from forfeitures from July 1 to November 30
- 70                   in the current fiscal year; and
- 71                   (D) the current balance as of November 30.

72                   (f) The [county executive] Executive may adopt regulations under  
73                   method (2) to implement this Section.

74                   **Sec. 2.       Expedited Effective Date.**

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

77 *Approved:*

78 *Philip M. Andrews* *November 18, 2009*  
Philip M. Andrews, President, County Council Date

79 *Approved:*

80 *Isiah Leggett* *Nov 27, 2009*  
Isiah Leggett, County Executive Date

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

82 *Linda M. Lauer* *Nov. 30, 2009*  
Linda M. Lauer, Clerk of the Council Date