COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

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

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

The County Council for Montgomery County, Maryland approves the following Act:
ExPEDITED BILL No. 35-09

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

35-13B. Drug Enforcement Forfeitures Fund

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

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

1. proceeds from the sale of real property;
2. criminal proceeds;
3. proceeds from the sale of means of transport, including vehicles, boats, and airplanes;
4. personal property, including financial instruments;
5. funds turned over to the County by other government agencies through drug enforcement asset sharing procedures; and
6. any other funds to which the County is entitled as the result of drug forfeiture proceedings.

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

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

[(A)] [(1)] (A) drug prevention and treatment programs;
[(B)] (B) Drug Court operations and programs;
[(3)] (C) payments to informants;
[(B)] [(4)] [(D)] purchase or lease of equipment; and

[(C)] [(5)] [(E)] any other expense related to [such] enforcement [activities] of laws regarding controlled dangerous substances.

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

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

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

(1) is subject to audit by the [county executive] Executive; and

(2) must be included and identified in any financial report of the [Police department] Department.

(e) The Chief of Police must provide [(a quarterly report)] two reports on the Fund to the Executive and Council [(This report must include)] as follows:

(1) [(the current balance;]

(2) all deposits from forfeitures; and

(3) all expenditures by category.] On March 15, a report including:
(A) the beginning unreserved balance for the current fiscal year;

(B) actual expenditures from July 1 to February 28 of the current fiscal year;

(C) the projected expenditures for the remainder of the current fiscal year;

(D) all deposits from forfeitures between July 1 and February 28 of the current fiscal year; and

(E) the projected year end balance for the current fiscal year; and

(2) On December 15, a report including:

(A) the actual beginning unreserved balance for the current fiscal year;

(B) DEFF approved budget by category;

(C) all deposits from forfeitures from July 1 to November 30 in the current fiscal year; and

(D) the current balance as of November 30.

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

Sec. 2. Expedited Effective Date.

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

Philip M. Andrews, President, County Council  
November 18, 2009

Approved:

Istvan Leggett, County Executive  
Nov. 27, 2009

This is a correct copy of Council action.

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