

The Montgomery County Department of Police is committed to preserving the first amendment rights of all individuals. Peaceful, lawful protest and assembly is a cornerstone of our democracy. That said, there are content neutral Montgomery County Code and Maryland Law provisions that restrict protesting and assembling in a private neighborhood. These laws exist regardless of the type of protest or assembly, or their location within a residential neighborhood.

To assist in educating the community, below is a list of the most common laws that can have an impact on protest or assembly. This list is not exhaustive and does not include any federal laws which may impact the time, place, and manner of protest or assembly.

As always, the Department will work with any individuals or groups to ensure that their particular protest or assembly is being conducted in a lawful manner.

Specific Laws:

County Code:

Sec. 32-23. Picketing a private residence.

- (a) A person or group of persons must not picket in front of or adjacent to any private residence.
- (b) This Section does not prohibit:
 - (1) a person or group of persons from marching in a residential area without stopping at any particular private residence; or
 - (2) picketing at a particular private residence:
 - (A) when that residence is also used for the occupant's sole place of business; or
 - (B) during a public meeting.
- (c) As used in this Section:
 - (1) "Picket" or "picketing" means to post a person or persons at a particular place to convey a message.
 - (2) A "public meeting" is a gathering:
 - (A) announced in advance to the public or a portion of the public;
 - (B) held to discuss a matter; and
 - (C) attended by at least 3 people who do not reside at the residence where the meeting is held.

(d) Section 32-17 applies to any violation of this Section. (1993 L.M.C., ch. 36, § 2.) (*meaning that officers must first warn the picketers to cease and desist before charging them*)

Sec. 32-17. Disturbing the public peace or disorderly conduct—Penalties; Warning.

(a) An individual who violates Section 32-14 or Section 32-15 has committed a Class B violation.

(b) An individual must not be charged with a violation of Section 32-14 (**Disturbing the public peace or disorderly conduct**) or Section 32-15 (**Temporary detention by police officer of an individual suspected of criminal behavior**) unless the arresting officer has first warned the individual of the violation and the individual has failed or refused to stop the violation. (1968 L.M.C., Ex. Sess., ch. 17, § 1; 1983 L.M.C., ch. 22, § 41; 2006 L.M.C., ch. 22, § 1.)

Class	Criminal Violation		Civil Violation Maximum Penalty	
	Maximum Fine	Maximum Jail Term	Initial Offense	Repeat Offense
A	\$1000	6 months	\$500	\$750
B	\$200	30 days	\$100	\$150
C	\$50	None if fine is paid; 10 days otherwise	\$50	\$75

If no penalty is specified for taking any action prohibited by County law or failing to take any action required by County law, that action or failure to act is a Class A violation.

Criminal Law:

§ 3-904- Unlawful picketing and assembly

(a) Legislative policy. -- The General Assembly declares that:

- (1) the protection and preservation of the home is the keystone of democratic government;
- (2) the public health and welfare and the good order of the community require that members of the community enjoy in their homes a feeling of well-being, tranquility, and privacy and, when absent from their homes, carry with them the sense of security inherent in the assurance that they

may return to the enjoyment of their homes;

(3) the practice of picketing before or about residences and dwelling places causes emotional disturbance and distress to the occupants;

(4) the purpose of this practice is to harass the occupants of the residences and dwelling places;

(5) without resort to this practice, full opportunity exists, and under the provisions of this article will continue to exist, for the exercise of freedom of speech and other constitutional rights; and

(6) the provisions of this section are necessary in the public interest to avoid the detrimental results described in this subsection.

(b) Effect of section. -- This section does not prohibit:

(1) picketing or assembly in connection with a labor dispute, as defined in § 4-301 of the Labor and Employment Article;

(2) picketing in a lawful manner of a person's home when it is also the person's sole place of business; or

(3) holding a meeting or assembly on any premises commonly used for the discussion of subjects of general public interest.

(c) Prohibited -- Assembly disrupting home tranquility. -- A person may not intentionally assemble with another in a manner that disrupts a person's right to tranquility in the person's home.

§ 9-305 - Intimidating or corrupting juror

(a) A person may not, by threat, force, or corrupt means, try to influence, intimidate, or impede a juror, a witness, or an officer of a court of the State or of the United States in the performance of the person's official duties.

(b) A person may not solicit another person to, by threat, force, or corrupt means, try to influence, intimidate, or impede a juror, a witness, or an officer of the court of the State or of the United States in the performance of the person's official duties.

(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

(2) If an act described in subsection (a) of this section is taken in connection with a proceeding involving a felonious violation of Title 5 of this article or the commission of a crime of violence as defined in § 14-101 of this article, or a conspiracy or solicitation to commit such a

crime, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years.

(d) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation of this section.

Common Law:

AFFRAY **

... did willfully engage in a fight with _____ (name) in a public place to the disturbance of others in violation of the common law

****RIOT****

...on or about (date) _____ at (location) in _____ county, Maryland, did, together with at least two other persons, whose identities are unknown, unlawfully assemble to carry out a common purpose in such violent or turbulent manner as to terrify others, in violation of the common law of the State of Maryland, and against the peace, government, and dignity of the State.

Transportation Article:

21- 103 a Willfully disobeying lawful order and direction of a police officer

(a)(1) A person may not willfully disobey any lawful order or direction of any police officer.

21-503 a Pedestrian failure when not in crosswalk to yield right-of-way to approaching veh

(a) If a pedestrian crosses a roadway at any point other than in a marked crosswalk or in an unmarked crosswalk at an intersection, the pedestrian shall yield the right-of-way to any vehicle approaching on the roadway.

21-509 a Walking along controlled access hwy.

(a) Except as provided in subsection (j) of this section, a pedestrian may not walk along a controlled access highway.

21-509 b Walking on controlled access hwy.

(b) Except as provided in subsection (j) of this section, a pedestrian may not walk on a controlled access highway.

21-509 c Walking along controlled access hwy. ramp

(c) Except as provided in subsection (j) of this section, a pedestrian may not walk along a ramp leading to or from a controlled access highway.

21-509 d Walking on controlled access hwy. ramp

(d) Except as provided in subsection (j) of this section, a pedestrian may not walk on a ramp leading to or from a controlled access highway.

21-510 a Pedestrian failure while crossing roadway to yield right-of-way to emergency vehicle using signals

(a) A pedestrian who crosses a roadway shall yield the right-of-way to any approaching emergency vehicle that is using audible and visual signals that meet the requirements of § 22-218 of this article.

21-510 b Pedestrian failure while crossing roadway to yield right-of-way to police vehicle using signals

(b) A pedestrian who crosses a roadway shall yield the right-of-way to any approaching police vehicle that is lawfully using an audible signal.

27-101 – Traffic Article Penalties

(a) A person who violates a provision of the Maryland Vehicle Law is guilty of a misdemeanor unless the violation:

- (1) Is a felony under the Maryland Vehicle Law; or
- (2) Is punishable by a civil penalty under the applicable provision of the Maryland Vehicle Law.

(b) Except as otherwise provided in the Maryland Vehicle Law, a person convicted of a misdemeanor for a violation of a provision of the Maryland Vehicle Law is subject to a fine not exceeding \$500.