



Committee: PS
Committee Review: At a future date
Staff: Ludeen McCartney-Green, Legislative Attorney
Purpose: To introduce agenda item – no vote expected

AGENDA ITEM #3E
July 21, 2026
Introduction

SUBJECT

Bill 37-26, Disruptive Behavior – Public Facilities – Amendments

Lead Sponsor: Council President at the Request of the County Executive

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- N/A; introduction

DESCRIPTION/ISSUE

Bill 37-26 would:

- (1) authorize longer-term disruptive behavior orders that restrict access to one or more public facilities;
- (2) establish procedures and criteria for issuing disruptive behavior orders;
- (3) transfer reviewing responsibilities to the County's Police Department or hearing examiner, depending on the duration of the order;
- (4) provide the right to an evidentiary hearing and the right to appeal;
- (5) transfer annual reporting responsibilities to the County's Police Department; and
- (6) generally amend the law as it relates to disruptive behavior at a public facility.

SUMMARY OF KEY DISCUSSION POINTS

- N/A

This report contains:

Staff Report	Pages 1-3
Bill 37-26	© 1
County Executive's Memorandum (with enclosures)	© 7
Fiscal Impact Statement	© 16

Alternative format requests for people with disabilities. If you need assistance accessing this report you may [submit alternative format requests](#) to the ADA Compliance Manager. The ADA Compliance Manager can also be reached at 240-777-6197 (TTY 240-777-6196) or at adacompliance@montgomerycountymd.gov

M E M O R A N D U M

July 16, 2026

TO: County Council

FROM: Ludeen McCartney-Green, Legislative Attorney

SUBJECT: Bill 37-26, Disruptive Behavior – Public Facilities – Amendments

PURPOSE: Introduction – no Council votes required

Bill 37-26, Disruptive Behavior – Public Facilities – Amendments, sponsored by the Council President at the request of the County Executive, is scheduled for introduction on July 21, 2026. A public hearing on the bill is tentatively scheduled for September 22, 2026, at 1:30 p.m. The Public Safety Committee will hold a worksession at a later date.

Bill 37-26 would:

- (1) authorize longer-term disruptive behavior orders that restrict access to one or more public facilities;
- (2) establish procedures and criteria for issuing disruptive behavior orders;
- (3) transfer reviewing responsibilities to the County’s Police Department or hearing examiner, depending on the duration of the order;
- (4) provide the right to an evidentiary hearing and the right to appeal;
- (5) transfer annual reporting responsibilities to the County’s Police Department; and
- (6) generally amend the law as it relates to disruptive behavior at a public facility.

BACKGROUND

The County Executive has provided the following background regarding Bill 37-26 (© 7):

“Section 32-19C prohibits disruptive behavior in County facilities, including buses, and authorizes the County to restrict access to a County facility by a person engaging in disruptive behavior for up to 90 days. The County enacted Section 32-19C in 2004 to provide a less restrictive and less severe way to address disruptive behavior in County facilities than pursuing criminal trespass charges under State law.

This Bill makes several changes to Section 32-19C based upon: (1) the significant recent increase in disruptive behavior in County facilities; and (2) the need to address challenges experienced to date its implementation.”

Further, the County Executive Memorandum identifies the increasing number of disruptive behavior incidents since the inception of the law:

“When the County enacted Section 32-19C, there were 27 disruptive incidents in County public libraries between January to November 2003. Since that time, instances of disruptive incidents in County facilities – including those beyond libraries – increased dramatically:

<u>Fiscal Year</u>	<u>Number of Disruptive Behavior Orders Issued</u>
2020	22
2021	29
2022	93
2023	108
2024	168

BILL SPECIFICS

Bill 37-26 would amend Section 32-19C of the Montgomery County Code regarding Disruptive Behavior Orders (DBOs). The County may issue a DBO to a person who disrupts the normal functions of a County facility. For DBOs that are 90 days or less, any requested next-day reviewing meetings will be held by officers in the Security Services Division of the County’s Police Department (instead of the CAO or designee), and such a meeting may be within 5 business days (instead of 1 business day) of the DBO’s issuance.

The Bill will also permit the County to issue DBOs that last more than 90 days. For a DBO issued for more than 90 days, a recipient will be entitled to a hearing before an examiner in the Office of Zoning and Administrative Hearings (OZAH) with a right to appeal to Circuit Court. Bill 37-26 also includes the criterion that, where appropriate, a DBO of more than 90 days may be issued for more than one public facility.

Finally, the Bill requires certain officers in the Security Services Division to prepare and submit the annual report to Council on the use of DBOs for the prior year.

<u>This packet contains:</u>	<u>Circle #</u>
Bill 37-26	1
County Executive’s Memorandum (with enclosures)	7
Fiscal Impact Statement	16

Bill No. 37-26
Concerning: Disruptive Behavior –
Public Facilities – Amendments
Revised: June 24, 2026 Draft No. 1
Introduced: July 21, 2026
Expires: December 7, 2026
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: _____
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council President at the Request of the County Executive

AN ACT to:

- (1) authorize longer-term disruptive behavior orders that restrict access to one or more public facilities;
- (2) establish procedures and criteria for issuing disruptive behavior orders;
- (3) transfer reviewing responsibilities to the County's Police Department or hearing examiner, depending on the duration of the order;
- (4) provide the right to an evidentiary hearing and the right to appeal;
- (5) transfer annual reporting responsibilities to the County's Police Department; and
- (6) generally amend the law as it relates to disruptive behavior at a public facility.

By amending

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

Boldface	<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:

Sec. 1. Section 32-19C is amended as follows:

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 [the Chief Administrative Officer or an Assistant Chief Administrative Officer]:

(A) for orders issued under this section lasting 90 days or less, the chief or a lieutenant in the Security Services Division of the Police Department; or

(B) for orders issued under this section lasting more than 90 days, a hearing examiner in the Office of Zoning and Administrative Hearings. An enforcement agent must not serve as a reviewing authority.

(2) Enforcement agent means:

(A) a Department Director;

(B) a police officer, deputy sheriff, or County security officer, with the exception of the chief of or lieutenant in the Security Services Division of the Police Department;

(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; or

(E) a contractor when specifically authorized by contract.

(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.

(4) Disruptive behavior means acting in a manner that a reasonable person would find disrupts the normal functions being carried on at that public facility, or engaging in conduct that is specifically prohibited by a notice conspicuously posted at that public facility. The type of conduct that may be prohibited by a conspicuously posted notice is conduct that is likely to disrupt others' use of the public facilities or conduct that poses a danger to the person engaging in the conduct or to others.

(b) A person must not[:

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

(2) engage in conduct that is specifically prohibited by a notice conspicuously posted at that public facility. The type of conduct that may be prohibited by a conspicuously posted notice is conduct that is likely to disrupt others' use of the public facility, or conduct that poses a danger to the person engaging in the conduct or to others] engage in disruptive behavior in a public facility.

(c) A person must not [refuse], after engaging in [conduct prohibited by subsection (b)] disruptive behavior at a public facility, refuse to provide accurate identification [accurately identify himself or herself] when asked to do so by an enforcement agent.

(d) If a person engages in [conduct prohibited by subsection (b)] disruptive behavior at a public facility, an enforcement agent may issue and personally deliver a written order to the person that:

(1) denies the recipient access to that public facility or other specified public facilities for a period not exceeding 90 days;

(2) denies the recipient access to that public facility or other specified

public facilities for a period not exceeding 2 years if the circumstances under subsection (f) are also present;

~~[(2)]~~ (3) prohibits the recipient, if a minor, from entering that public facility or other specified public facilities without being accompanied by a parent, custodian, or guardian, for a period not exceeding 90 days;

~~[(3)]~~ (4) requires the recipient to receive prior written permission from the enforcement agent or another specified person designated by the Department Director before entering that public facility or other specified public facilities for a period not exceeding 90 days;
or

~~[(4)]~~ (5) imposes any other reasonable condition intended to [assure] ensure that normal functions carried on at that public facility or other specified public facilities are not unreasonably disrupted for a period not exceeding 90 days.

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

(e) A person who refuses to accept personal delivery of a written order under this Section, after an enforcement agent attempts delivery, is deemed to have received notice of the order.

~~(f)~~ An enforcement agent may issue an order under subsection (d) that denies the person access to a public facility or public facilities for more than 90 days, if the person:

(1) received a previous order for disruptive behavior, denying access to any public facilities within the last year;

(2) makes verbal threats to persons in the public facility, such that a reasonable person would feel in danger;

(3) engages in indecent exposure, theft, vandalism, or destruction of property in the public facility;

(4) engages in any kind of physical altercation or unwanted touching with another person in the public facility;

(5) engages in any physically threatening behavior toward other persons in the public facility, such that a reasonable person would feel in danger; or

(6) otherwise engages in behavior in the public facility that violates applicable law.

(g) [An order] This subsection applies to an order issued under subsection (d) for 90 days or less. An order must notify a recipient that [he or she] the recipient may meet with a reviewing authority to discuss any reasons why the recipient's access to the applicable public facility should not be restricted. The notice must specify the proposed place, date, and time of the meeting. The meeting must initially be scheduled [to be held during the next business day after the order is delivered to the recipient. At the request of the recipient, the reviewing authority may reschedule the meeting at a later date] as soon as possible, but in no event later than 5 business days after the enforcement agent serves the order on the recipient, unless the recipient consents to an extension of more than 5 business days. If a meeting is held, the reviewing authority may affirm, modify, suspend, or rescind the order.

(h) This subsection applies to an order issued under subsection (d) that denies entry to a public facility or public facilities for more than 90 days. The order must notify the recipient of the right to request an evidentiary hearing before a reviewing authority to contest the order. The hearing is subject to the procedures for administrative hearings under the

County's Administrative Procedures Act. If the hearing is held, a reviewing authority may affirm, modify, suspend, or rescind the order. A party aggrieved by the reviewing authority's decision may seek judicial review of the decision pursuant to Section 2A-11 of the County Code.

[(f)] (i) A person must not violate an order issued under subsection (d). [A person who violates subsections (b) or (c) or an order issued under subsection (d), has committed a Class A violation.] A violation of subsection (b) or (c) is a Class A violation. A violation of an order issued under subsection (d) is a Class A violation.

(j) A person who remains at a public facility after being notified that their presence violates an order issued under subsection (d) may be subject to a Class A violation.

[(g)] (k) The Security Services Division of the Police Department must report to [The] the Chief Administrative Officer [must report] and to the Council not later than March 1 each year on the use of this Section during the previous calendar year, including the number of orders issued under subsection (d) by each department or office.



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

MEMORANDUM

June 8, 2026

TO: Natali Fani-González, President
Montgomery County Council

FROM: Marc Elrich, County Executive 

SUBJECT: Bill XX-26 – Disruptive Behavior – Public Facilities - Amendments

I am recommending the enclosed legislation to modify County Code Section 32-19C, Disruptive Behavior Orders.

Section 32-19C prohibits disruptive behavior in County facilities, including buses, and authorizes the County to restrict access to a County facility by a person engaging in disruptive behavior for up to 90 days. The County enacted Section 32-19C in 2004 to provide a less restrictive and less severe way to address disruptive behavior in County facilities than pursuing criminal trespass charges under State law.¹

This Bill makes several changes to Section 32-19C based upon: (1) the significant recent increase in disruptive behavior in County facilities; and (2) the need to address challenges experienced to date its implementation.

The Increase in Number and Severity of Incidents Calls for Lengthier Access Restrictions Applicable to More Than One County Facility.

When the County enacted Section 32-19C, there were 27 disruptive incidents in County public libraries between January to November 2003.² Since that time, instances of disruptive incidents in County facilities – including those beyond libraries – increased dramatically:

¹ See Md. Code Ann., Crim. Law § 6-409.

² See Bill 1-04, Final Bill and Staff Reports, December 15, 2003, Memorandum from County Executive Douglas M. Duncan to Council President Steven A. Silverman.

<u>Fiscal Year</u>	<u>Number of Disruptive Behavior Orders Issued</u>
2020	22
2021	29
2022	93
2023	108
2024	168

In addition to this exponential increase in incidents, their severity increased. While criminal behavior unquestionably results in a call to the Police, there are many examples of conduct that may not necessarily require Police intervention or criminal prosecution yet causes those nearby to be concerned about their personal safety. Examples of such behavior include: a person strolling through the library while brandishing metal pipes; a bus passenger hitting the phone out of the hands of another while yelling at her; and a library patron dumping their drink onto another.

Both this increase and the severity of the incidents call for the ability to issue an order with lengthier access restrictions to the person disrupting the facility.

This Bill increases the amount of time during which a person’s access may be restricted from 90 days to up to two years. This time frame is based in part upon a survey of surrounding jurisdictions’ policies adopted for their libraries. At least one library board, pursuant to authority in State law to set library policies, adopted a policy to permanently ban persons from return under specified circumstances.³ Other libraries reserve the right to suspend access for an unspecified amount of time or for up to one year.⁴ This Bill does not authorize permanent access restrictions, but would permit restrictions for up to two years. The Bill also articulates objective criteria for when the County may restrict access for more than 90 days.

The Bill ensures adequate due process for anyone that receives an order that lasts more than 90 days by affording the recipient of such an order the right to a hearing conducted by the County’s Office of Zoning and Administrative Hearings under protocols set for the in the County’s Administrative Procedures Act. Those protocols include the right to call and cross examine witnesses. The Bill affords the right to appeal the decision of a Hearing Examiner to Circuit Court.

In addition to lengthening the potential duration of an order, the Bill authorizes an order to apply to more than one County facility. The law at present permits an order to restrict access to all County buses, yet it permits restriction of access to only one County facility. Over the years, there have been incidents where a recipient of a disruptive behavior order that restricts access to one facility moves

³ See Md. Code Ann., Educ. § 23-405(c)(3) (authorizing local library boards to adopt “reasonable rules, regulations, and bylaws for the use of the library and the conduct of its business”); [Banning Policy | Anne Arundel County Public Library](#).

⁴ Baltimore County libraries reserve the right to suspend access for up to one year (see <https://www.bcpl.info/about-us/policies#:~:text=Baltimore%20County%20Public%20Library%20prohibits,devices%20connected%20to%20public%20computers>); and Frederick County reserves the right to suspend access, without specifying any length of time. <https://www.fcpl.org/about-us/library-policies/code-conduct>.

on to another County facility and resumes the same disruptive behavior there. This Bill gives the enforcement agent the option of having the order apply to more than one facility.

To Address Implementation Challenges, the Law Changes the Timing of the Review Meeting for Orders 90 Days or Less, Changes the Reviewing Authority for Orders 90 days or Less, and Addresses Persons Who Refuse to Accept Delivery of the Order.

The Bill alters the time within which a review meeting must occur for orders that last 90 days or less. Presently the law requires that the meeting occur the next business day after the order's issuance, and it may only be rescheduled with the recipient's consent. *See* Section 32-19C(e). The County employee that witnessed the conduct at issue may not always be scheduled to work the next business day. As a result, departments must either proceed with the meeting without an eyewitness to the conduct or require the eyewitness employee to attend the meeting on a day that they are not scheduled to work. The Bill requires that the review meeting occur within five business days or later with the recipient's permission. This still provides a prompt hearing and will not require County departments to force off-duty employees to report for the meeting.

For orders that last 90 days or less, the Bill transfers the obligation to serve as the "reviewing authority" at the review meeting from the Chief Administrative Officer or an Assistant Chief Administrative Officer to either a lieutenant or a chief in the Security Services Division of the Montgomery County Police Department.

The Bill also states that a person cannot refuse to accept delivery of an order. Frequently the disruptive person will refuse to accept physical delivery of the order. This change captures the concept that a person may not evade service of court papers by refusing to accept physical delivery of them.

If you have any questions, please reach out to Earl Stoddard, Assistant Chief Administrative Officer at earl.stoddard@montgomerycountymd.gov.

Enclosures: Draft Bill XX-26 – Disruptive Behavior – Public Facilities – Amendments
Legislative Request Report for Bill XX-26
Fiscal Impact Statement for Bill XX-26

cc: Tommy Heyboer, Chief of Staff to the Council, President, Montgomery County Council
Craig Howard, Executive Director, Montgomery County Council
Richard S. Madaleno, Chief Administrative Officer
Earl P. Stoddard III, PhD, MPH, CEM, Assistant Chief Administrative Officer
Tricia Swanson, Director of Strategic Partnerships
Erin J. Ashbarry, Chief, Division of Government Operations, Office of the County Attorney
Marc Yamada, Chief, Montgomery County Police Department
Jennifer Bryant, Director, Office of Management and Budget
Khandikile Sokoni, Director, Office of Zoning & Administrative Hearings

Bill No. XX-26
Concerning: Disruptive Behavior – Public
Facilities - Amendments
Revised: [date] Draft No. 1
Introduced: [date]
Expires: [18 mos. after intro]
Enacted: [date]
Executive: [date signed]
Effective: [date takes effect]
Sunset Date: [date expires]
Ch. [#], Laws of Mont. Co. [year]

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

AN ACT to:

- (1) authorize issuance of disruptive behavior orders that deny access to public facilities for more than 90 days and list criteria for behavior that warrants issuance of an order that lasts more than 90 days;
- (2) authorize issuance of orders that apply to more than one public facility;
- (3) transfer the obligation to serve as the reviewing authority for orders to officers in the Security Services Division of the Police Department, for orders lasting 90 days or less, or a hearing examiner in the Office of Zoning and Administrative Hearings, for orders lasting more than 90 days;
- (4) provide that review meetings for orders that are 90 days or less occur within five business days of the order's issuance;
- (5) provide the right to an evidentiary hearing before a hearing examiner for an order lasting more than 90 days, and the right to appeal to Circuit Court the results therefrom; and
- (6) transfer to the Security Services Division the obligation to provide the annual report to the Chief Administrative Officer on orders issued in the County.

By amending

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

Boldface	<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:

Sec. 1. Section 32-19C is amended, as follows:

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

(1) Reviewing authority means [the Chief Administrative Officer or an Assistant Chief Administrative Officer]:

(A) for orders issued under this section lasting 90 days or less, the chief of or a lieutenant in the Security Services Division of the Police Department, or

(B) for orders issued under this section lasting more than 90 days, a hearing examiner in the Office of Zoning and Administrative Hearings.

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, with the exception of the chief of or a lieutenant in the Security Services Division of the Police Department;

(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[.];

or

(E) a contractor when specifically authorized by contract.

(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.

(4) Disruptive behavior means acting in a manner that a reasonable person would find disrupts the normal functions being carried on at that public facility, or engaging in conduct that is specifically prohibited by a notice conspicuously posted at that public facility. The type of conduct that may be prohibited by a conspicuously posted notice is conduct that is likely to disrupt others' use of the public facility or conduct that poses a danger to the person engaging in the conduct or to others.

(b) A person must not[:

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

(2) engage in conduct that is specifically prohibited by a notice conspicuously posted at that public facility. The type of conduct that may be prohibited by a conspicuously posted notice is conduct that is likely to disrupt others' use of the public facility, or conduct that poses a danger to the person engaging in the conduct or to others] engage in disruptive behavior in a public facility.

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

(d) If a person engages in [conduct prohibited by subsection (b)] disruptive behavior at a public facility, an enforcement agent may issue and personally deliver a written order to the person that:

(1) denies the recipient access to that public facility or other specified public facilities for a period not exceeding 90 days;

(2) denies the recipient access to that public facility or other specified public facilities for a period not exceeding 2 years if the circumstances set forth in subsection (f) are also present;

(~~[2]~~3) prohibits the recipient, if a minor, from entering that public facility or other specified public facilities without being accompanied by a parent, custodian, or guardian, for a period not exceeding 90 days;

(~~[3]~~4) requires the recipient to receive prior written permission from the enforcement agent or another specified person designated by the Department Director before entering that public facility or other specified public facilities for a period not exceeding 90 days; or

(~~[4]~~5) imposes any other reasonable condition intended to assure that normal functions carried on at that public facility or other specified public facilities are not unreasonably disrupted for a period not exceeding 90 days.

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

(e) A person that refuses to accept personal delivery of a written order under this section despite an attempt by the enforcement agent to deliver the order to them will be deemed to have received and be on notice of the order.

(f) An enforcement agent may issue to a person an order under subsection (d) that denies the person access to a public facility or public facilities for more than 90 days if the person:

(1) received a previous order for disruptive behavior denying access to any public facility within the last year;

(2) makes verbal threats to persons in the public facility such that a reasonable person would feel that they were in danger;

(3) engages in indecent exposure, theft, vandalism, or destruction of property in the public facility;

(4) engages in any kind of physical altercation or unwanted touching with another person in the public facility;

(5) engages in any physically threatening behavior toward other persons in the public facility such that a reasonable person would feel that they were in danger; or

(6) otherwise engages in behavior in the public facility that violates applicable law.

(g) [An order] This subsection applies to an order issued under subsection (d) for 90 days or less. The order must notify the recipient that he or she may meet with a reviewing authority to discuss any reasons why the recipient's access to the applicable public facility or public facilities should not be restricted. The notice must specify the proposed place, date, and time of the meeting. The meeting must initially be scheduled [to be held during the next business day after the order is delivered to the recipient. At the request of the recipient, the reviewing authority may reschedule the meeting at a later date] as soon as possible, but in no event later than five business days after the enforcement agent serves the order on the recipient, unless the recipient consents to an extension of more than five business days. If a meeting is held, the reviewing authority may affirm, modify, suspend, or rescind the order.

(h) This subsection applies to an order issued under subsection (d) that denies entry to a public facility or public facilities for more than 90 days. The order must notify the recipient that he or she may request an evidentiary hearing to contest the order before a reviewing authority. The hearing will be subject to the procedures for administrative hearings set forth in the County's Administrative Procedures Act. If the hearing is held, a reviewing authority may affirm, modify, suspend, or rescind the order. A party aggrieved by the reviewing authority's

decision may seek judicial review of the decision pursuant to Section 2A-11 of the County Code.

~~([f])~~ (i) A person must not violate an order issued under subsection (d). [A person who violates subsections (b) or (c) or an order issued under subsection (d), has committed a Class A violation.] Violation of subsections (b) or (c) is a Class A violation. A violation of an order issued under subsection (d) is a Class A violation.

(j) It is a Class A violation for a person to remain at a public facility after being notified that their presence violates an order issued under subsection (d).

~~([g])~~ (k) The Security Services Division of the Police Department must report to [T]the Chief Administrative Officer [must report] and to the Council not later than March 1 each year on the use of this Section during the previous calendar year, including the number of orders issued under subsection (d) by each department or office.

Approved:

Natali Fani-González, President, County Council Date

Approved:

Marc Elrich, County Executive Date

This is a correct copy of Council action.

Sara Tenenbaum, Clerk of the Council Date

APPROVED AS TO FORM AND LEGALITY
OFFICE OF THE COUNTY ATTORNEY

By: Erin J. Ashbarry Date: 1/6/2026
Chief, Division of Government Operations



Fiscal Impact Statement

Office of Management and Budget

Bill XX-26

Disruptive Behavior Orders - Amendment

Bill Summary

Bill XX-26 amends the law pertaining to disruptive behavior orders (DBOs) to:

- allow DBOs to apply to more than one County facility,
- allow DBOs to last for up to two years if certain criteria are met,
- transfer responsibility for reviewing DBOs and compiling an annual report from the Chief Administrative Officer to the Montgomery County Police Department (MCPD) Security Services Division (SSD),
- extend the timeline for review of a DBO lasting 90 days or less from the next day to within 5 days (when a review is requested by the recipient of a DBO), and
- establish that the Office of Zoning and Administrative Hearings (OZAH) will review DBOs that are more than 90 days (when a review is requested by the recipient of a DBO).

Fiscal Impact Summary

The responsibilities transferred from the Chief Administrative Officer to MCPD SSD in Bill XX-26 are not expected to impact revenues or expenditures due to the size of the unit and the small number of review meetings that were requested in recent years.

The responsibilities added to OZAH may impact expenditures depending on the number of reviews that are requested. This is due to the size of the office and how the nature of these hearings differs compared to the office's other responsibilities.

Fiscal Impact Analysis

It is unknown how many review meetings will be requested if Bill XX-26 were adopted, and of those that are requested, how many will fall under MCPD SSD and how many to OZAH. However, the bill is not expected to have a fiscal impact on MCPD SSD because historically, only a small number of DBO recipients request review meetings. For example in 2024, there were 11 review meetings from 168 DBOs issued, and in 2023, there were no review meetings from the 108 DBOs that were issued. This workload can be absorbed within MCPD SSD's existing complement.

Expenditures from OZAH may increase under Bill XX-26 depending on the number of review meetings requested. This is due to:

- the small size of the office (4.0 FTEs),
- the unpredictability of when a review meeting may be requested, and
- the mandate for review meetings to occur within five days of a request.
- Depending on the nature of the requester, OZAH may also request a security presence from MCPD, with the potential for a negligible amount of overtime from MCPD if security coverage falls outside of regularly scheduled hours.

OZAH notes that its current workload is considered administrative. The addition of DBO appeals would be a different type of case that is more punitive in nature and involves behaviors that are connected with criminal charges such as harassment, trespass, and disorderly conduct. Therefore, additional training may be required, above that which is needed to conduct the DBO hearing, and would be required regardless of the number of cases heard as OZAH staff need to be prepared to hear these cases. The costs OZAH would incur for this additional training is unknown, however.



Below are cost estimates for OZAH based on the number of meetings requested in a year, but exclude the cost of training outlined in the previous paragraph:

- 0-2 meetings: Aside from the training cost noted above, no other fiscal impact is expected because the workload can be absorbed within the existing complement and budget.
- 3-8 meetings, at least \$900-\$2,400: All OZAH hearings are transcribed by a court reporter at an estimated cost of \$205 per-hour plus \$95 for the court reporter's appearance. However, if OZAH has other pending cases, it may need to use contract hearing examiners at a cost of \$165-185 per hour.
- 9-15 meetings, at least \$131,737-\$133,543 and 1.0 FTE: If the number of hearings approaches 10, OZAH would incur greater court reporting costs and potential contract hearing examiner costs. In addition, a new Paralegal Specialist may be needed to manage the office's workflow at a cost of \$129,028 per-year for salary and benefits.

The workload of MCPD SSD will increase but can be accommodated within the existing complement. Staff time will be needed to participate in review meetings (usually about 30 minutes), and those staff will need to complete a one-hour training session and observe a hearing before they can conduct one themselves.

Staff Impact

The workload of OZAH will increase for the same reasons, in addition to training required to conduct punitive hearings, as opposed to its current workload, which is administrative in nature. However, the new workload can also be absorbed within the existing complement unless the number of meetings exceeds 8-10. At that point, a new Paralegal Specialist may be needed to help manage OZAH's increased workload.

Actuarial Analysis

The bill is not expected to impact retiree pension or group insurance costs.

Information Technology Impact

The IT infrastructure of MCPD SSD and OZAH will need to be updated to manage and track DBOs for review meetings and reporting purposes. This is expected to have a minimal cost because IT infrastructure for DBO review meetings is currently used in the County Executive's Office and it can be adapted to MCPD SSD's and OZAH's needs when responsibility for DBO review meetings is transferred.

Other Information

Later actions that may impact revenue or expenditures if future spending is projected

The bill does not authorize future spending.

Ranges of revenue or expenditures that are uncertain or difficult to project

This Fiscal Impact Statement assumes the cost of a Court Reporter as \$95 to appear and 40 transcript pages at \$5.15 per page. The actual number of transcript pages depends on many factors, including the number of witnesses, participants' talkativeness, and whether an attorney is present. The actual number of pages will vary.

Contributors

Earl P. Stoddard III, Assistant Chief Administrative Officer
Erin J. Ashbarry, Office of the County Attorney
Dale Phillips, Montgomery County Police Department
Darrel White, Montgomery County Police Department
Khandikile Mvunga Sokoni, Office of Zoning and Administrative Hearings
Richard H. Harris, Office of Management and Budget



LEGISLATIVE REQUEST REPORT

Bill #-26

Disruptive Behavior Orders – Amendments

DESCRIPTION:

This Bill amends the County Code provision regarding Disruptive Behavior Orders (DBOs). The County may issue a DBO to a person that disrupts the normal functions of a County facility. For DBOs that are 90 days or less, any requested next-day reviewing meetings will be held by officers in the Security Services Division of the Police Department (instead of the CAO or designee), and such a meeting may be within 5 business days (instead of 1 business day) of the DBO's issuance. The Bill will also permit the County to issue DBOs that last more than 90 days. For DBOs that are more than 90 days, a recipient will be entitled to a hearing before a hearing examiner in OZAH with a right of appeal to Circuit Court. The Bill adds criteria for when a DBO of more than 90 days is appropriate and permits DBOs to be issued for more than one public facility. Finally, the Bill obligates certain officers in the Security Services Division to prepare and submit the annual report to Council on the use of DBOs for the prior year.

PROBLEM:

The First Amendment protects public access to public buildings, yet disruptive behavior by one member of the public in County buildings may objectively cause other public patrons and County staff to feel unsafe. The existing DBO scheme permits a person to be prohibited from returning to one County building for up to 90 days. Frequently DBO recipients simply go to a different but similar building – such as another library or recreation center – and resume the same disruptive conduct. Given the safety concerns of County staff and members of the public, the County needs the ability to implement DBOs that last longer than 90 days and that apply to more than one County facility. The Bill will permit issuance of DBOs that last up to 2 years, for more than one County facility, and lists criteria for DBOs to be issued for more than 90 days. To ensure the due process rights of a DBO recipient, this Bill will afford the recipient of a DBO that lasts more than 90 days the opportunity for a hearing before the Office of Zoning and Administrative Hearings (which would include the right to cross examine witnesses), and the right to appeal the hearing examiner's decision about the DBO to Circuit Court.

Additionally, the County has found it to be immensely challenging to schedule the presently-required next-business-day DBO review meeting: both the recipient and the County personnel involved

frequently have previous calendar commitments the next business day. Providing up to 5 business days for this meeting still affords a recipient a prompt meeting to review the DBO but provides a more realistic timeline to schedule the meeting.

**GOALS AND
OBJECTIVES:**

To enhance the time range for DBOs to up to two years and permit the DBO to apply to more than one County facility.
To articulate criteria for a DBO that lasts longer than 90 days.
To ensure the due process rights of DBO recipients are met.
To permit next-business-day review meetings for DBOs that are 90 days or less to occur within five business days rather than within one business day.

COORDINATION:

Community Use of Public Facilities, Department of Health and Human Services, Department of Libraries, Department of Recreation, Department of Transportation, Department of Police, Office of the County Executive, Office of Zoning and Administrative Hearings

FISCAL IMPACT:

To be requested.

**ECONOMIC
IMPACT:**

To be requested.

EVALUATION:

To be requested.

**EXPERIENCE
ELSEWHERE:**

Unknown.

**SOURCE OF
INFORMATION:**

Earl Stoddard, Assistant Chief Administrative Officer,
Office of the County Executive
Erin Ashbarry, Chief, Division of Government Operations,
Office of the County Attorney

**APPLICATION
WITHIN
MUNICIPALITIES:**

N/A

PENALTIES:

N/A