



Committee: Joint
Committee Review: At a future date
Staff: Ludeen McCartney-Green, Legislative Attorney
Purpose: To receive testimony – no vote expected

AGENDA ITEM #3
September 22, 2026
Public Hearing

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; to receive testimony

DESCRIPTION/ISSUE

Bill 37-26 would:

- (1) authorize long-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
Climate Assessment	© 20
Racial Equity and Social Justice (RESJ)	© 22
Economic Impact Statement	© 30

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M E M O R A N D U M

September 17, 2026

TO: County Council

FROM: Ludeen McCartney-Green, Legislative Attorney

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

PURPOSE: Public Hearing – no Council votes required

Bill 37-26, Disruptive Behavior – Public Facilities – Amendments, sponsored by the Council President at the request of the County Executive, was introduced on July 21, 2026. A public hearing on the bill is tentatively scheduled for September 22, 2026, at 1:30 p.m. A joint committee (Public Safety and Government Operations and Fiscal Policy) worksession is tentatively scheduled for October 19, 2026.

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 and 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 the issuance of Disruptive Behavior Orders (DBOs). The County may issue a DBO to a person who disrupts the normal functions of a County facility. A DBO that has been issued for 90 days or less has the right to request a next-day review meeting that is held by officers in the Security Services Division of the County’s Police Department rather than the under existing process where the reviews are held by the CAO or designee. The bill would extend the review time from one business day to a review meeting that must take place within 5 business days from when the DBO was issued.

Further, the Bill would authorize the County to issue DBOs that last longer than 90 days. If a DBO is 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 that, where appropriate, a DBO issuance for more than 90 days may be issued and applied to more than one County facility.

Finally, the Bill requires certain officers in the Security Services Division to submit an annual report to Council on the prior year's use of DBOs.

SUMMARY OF IMPACT STATEMENTS

Racial equity and social justice impact. The Office of Legislative Oversight (OLO) finds the anticipated racial equity and social justice (RESJ) impact of Bill 37-26 is indeterminate. Black community members who visit County facilities in downtown Silver Spring, including those who are unhoused, could be disproportionately impacted by a new extended Disruptive Behavior Order

(DBO) that bans visitors from County facilities for more than 90 days. However, OLO is unable to determine if the potential burdens to community members who visit County facilities exceed the potential benefits. *See* ©22-29.

Fiscal impact. The fiscal impact of Bill 37-26 varies by agency. Transferring DBO review responsibilities from the CAO to MCPD's Security Services Division is not expected to have a fiscal impact, as the small number of review meetings historically requested can be absorbed within existing staff. The impact on OZAH is more uncertain and depends on the number of review meetings requested: up to 2 meetings per year would have no additional cost beyond training; 3–8 meetings would cost at least \$900–\$2,400 in court reporting and potential contract hearing examiner fees; and 9–15 meetings could cost at least \$131,737–\$133,543 with the addition of a 1.0 FTE Paralegal Specialist. Additional training costs for OZAH staff are also expected regardless of caseload volume, though the amount is unknown. IT infrastructure updates for both MCPD and OZAH are anticipated to be minimal.

Economic impact. The Office of Legislative Oversight (OLO) “anticipates that Bill 37-26 would have an insignificant impact on economic conditions in the County, as measured by the Council's priority economic indicators.”

Climate assessment. OLO “anticipates Bill 37-26 will have no impact on the County's contribution to addressing climate change.” Therefore, OLO does not offer any climate-related amendments to Bill 37-26.

This packet contains:

	<u>Circle #</u>
Bill 37-26	1
County Executive’s Memorandum (with enclosures)	7
Fiscal Impact Statement	16
Climate Assessment	20
Racial Equity and Social Justice Impact Statement	22
Economic Impact Statement	30

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
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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

Climate Assessment

Office of Legislative Oversight

BILL 37-26: DISRUPTIVE BEHAVIOR – PUBLIC FACILITIES - AMENDMENTS

SUMMARY

The Office of Legislative Oversight (OLO) anticipates Bill 37-26 will have no impact on the County's contribution to addressing climate change as it is proposing giving the County authority to temporarily restrict access of individuals engaging in disruptive behavior to specified County facilities.

BACKGROUND AND PURPOSE OF BILL 37-26

In 2004, the County enacted Section 32-19C of the County Code to address disruptive incidents in County public libraries,¹ giving the County authority to issue a Disruptive Behavior Order (DBO) to individuals who disrupt the normal functioning of a public facility.² Under current law, individuals who receive a DBO can be prohibited from accessing the facility where the disruption occurred for a period of 90 days or less.³

According to the County Executive, disruptive behavior incidents in County facilities have “increased dramatically,” from 22 documented incidents in 2020 to 168 in 2024⁴—a more than seven-fold increase. In response to rising incidents, Bill 37-26 would permit the County to issue DBOs that last more than 90 days and restrict access to more than one County facility. Additionally, the Bill would “transfer reviewing responsibilities to the County's Police Department or hearing examiner, depending on the duration of the order; provide the right to an evidentiary hearing and the right to appeal; [and] transfer annual reporting responsibilities to the County's Police Department.”⁵

The Council introduced Bill 37-26 at the request of the County Executive on July 21, 2026.

ANTICIPATED IMPACTS

As the Bill proposes giving the County authority to temporarily restrict access of individuals engaging in disruptive behavior to specified County facilities, OLO anticipates Bill 37-26 will have no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions and community climate resilience.

RECOMMENDED AMENDMENTS

The Climate Assessment Act requires OLO to offer recommendations, such as amendments or other measures to mitigate any anticipated negative climate impacts.⁶ OLO does not offer recommendations or amendments as Bill 37-26 is likely to have no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions and community climate resilience.

CAVEATS

OLO notes two caveats to this climate assessment. First, predicting the impacts of legislation upon climate change is a challenging analytical endeavor due to data limitations, uncertainty, and the broad, global nature of climate change. Second, the analysis performed here is intended to inform the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

PURPOSE OF CLIMATE ASSESSMENTS

The purpose of the Climate Assessments is to evaluate the anticipated impact of legislation on the County's contribution to addressing climate change. These climate assessments will provide the Council with a more thorough understanding of the potential climate impacts and implications of proposed legislation, at the County level. The scope of the Climate Assessments is limited to the County's contribution to addressing climate change, specifically upon the County's contribution to greenhouse gas emissions and how actions suggested by legislation could help increase the County's community climate resilience.

While co-benefits such as health and cost savings may be discussed, the focus is on how proposed County bills may impact GHG emissions and community resilience.

CONTRIBUTIONS

OLO staffer Kaitlyn Simmons drafted this assessment.

¹ See County Executive memo in [Introduction Staff Report for Bill 37-26](#).

² Disruptive behavior is defined in County Code as "act[ing] in a manner that a reasonable person would find disrupts the normal functions being carried on at that public facility" or "engag[ing] in conduct that is specifically prohibited by a notice conspicuously posted at that public facility."

³ Montgomery County Code, [Section 32-19C, Disruptive Behavior—Public Facilities](#).

⁴ For data, see County Executive memo.

⁵ See Bill in Introduction Staff Report for Bill 37-26.

⁶ Bill 3-22, Legislative Branch – Climate Assessments – Required, Montgomery County Council, Effective date October 24, 2022

Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

BILL 37-26: DISRUPTIVE BEHAVIOR - PUBLIC FACILITIES - AMENDMENTS

SUMMARY

The Office of Legislative Oversight (OLO) finds the anticipated racial equity and social justice (RESJ) impact of Bill 37-26 is indeterminate. Black community members who visit County facilities in downtown Silver Spring, including those who are unhoused, could be disproportionately impacted by a new extended Disruptive Behavior Order (DBO) that bans visitors from County facilities for more than 90 days. However, OLO is unable to determine if the potential burdens to community members who visit County facilities exceed the potential benefits.

PURPOSE OF RESJ IMPACT STATEMENTS

RESJ impact statements (RESJIS) evaluate the anticipated impact of legislation on racial equity and social justice in the County. RESJ is a **process** that focuses on centering the needs, leadership, and power of Black, Indigenous, and other People of Color (BIPOC) and communities with low incomes. RESJ is also a **goal** of eliminating racial and social inequities. Applying a RESJ lens is essential to achieve RESJ.¹ This involves seeing, thinking, and working differently to address the racial and social inequities that cause racial and social disparities.²

PURPOSE OF BILL 37-26

In 2004, the Council enacted a law to address disruptive behavior³ incidents in County facilities. The law allows County staff (such as department leaders and police officers) to issue a DBO to community members who disrupt the normal functioning of a public facility, including buses.

Currently, community members who receive a DBO can be prohibited from accessing the facility where the disruption occurred for up to 90 days. Community members can challenge the DBO by meeting with a reviewing authority. The reviewing authority can affirm, modify, suspend, or rescind the DBO following the review meeting. County law currently designates the Chief Administrative Officer (CAO) as the reviewing authority for DBOs.⁴

According to the County Executive, disruptive behavior incidents in County facilities have “increased dramatically” in recent years. Data they provide shows DBOs issued by the County increased from 22 in 2020 to 168 in 2024.⁵

The purpose of Bill 37-26 is to add more restrictions to DBOs to address the increase in disruptive behavior incidents. If enacted, Bill 37-26 would create a new DBO category that would prohibit access to County facilities for more than 90 days and up to two years. Figure A in the appendix lists the circumstances where Bill 37-26 would allow a DBO to be issued for more than 90 days. Bill 37-26 would also allow a DBO of any time to prohibit access to more than one facility.⁶

For a less than 90-day DBO, Bill 37-26 would:⁷

- Change the reviewing authority for review meetings from the CAO to the Montgomery County Police Department (MCPD); and
- Require the review meeting to be scheduled within five business days of DBO issuance (instead of one business day).

For a greater than 90-day DBO, Bill 37-26 would:⁸

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- Designate a hearing examiner in the Office of Zoning and Administrative Hearings (OZAH) as the reviewing authority for review meetings;
- Give the DBO recipient the right to an evidentiary hearing before the hearing examiner to challenge the DBO; and
- Give DBO recipient the right to appeal the hearing examiner's decision to the Circuit Court.

Bill 37-26 would make it a Class A violation for community members to remain in public facilities after being notified they are in violation of a DBO.⁹ The Bill would also require MCPD to submit an annual report on the use of DBOs.¹⁰

The Council introduced Bill 37-26 at the request of the County Executive on July 21, 2026.

LIBRARY CODES OF CONDUCT, PATRON BANS AND RACIAL EQUITY

Note: Since 2019, County departments have issued 739 DBOs. The vast majority (577 DBOs) were issued by the Montgomery County Public Library (MCPL). The Department of Health and Human Services and the Recreation Department also frequently issued DBOs (Table A, Appendix). This section will focus on providing RESJ context on codes of conduct and patron bans in libraries. This information can help to understand potential RESJ issues with conduct policies and bans in MCPL and other County departments.

Public libraries are pillars in communities. Along with books, the County's public libraries provide free access to a host of resources and services such as computers and Wi-Fi, community meeting space, and programs for people of all ages.¹¹ Libraries play an important role in extending access to essential needs and information to the broader community. This access can be especially important for community members who are impacted by racial and social inequities. For example, research has found that BIPOC are more likely to use public libraries to access key resources like the internet.¹² Moreover, for community members who are unhoused, libraries often help meet basic needs like refuge from unsafe weather, access to public restrooms, and connection to important social services.¹³

Codes of conduct are common in public libraries. They usually state policies for using the library, including behavior expectations for a library's public spaces.¹⁴ Locally, MCPL's code of conduct restricts or prohibits various behaviors in MCPL branches – from threatening speech and loud conversations to smoking and vaping.¹⁵ Codes of conduct exist to help maintain a safe and welcoming environment for library patrons and staff. However, their development and enforcement can reinforce and perpetuate racial and social inequities. For example, researchers note:

- Library codes of conduct emerge from a profession that often centers White, middle-class norms.¹⁶ Librarianship is a predominately White and female profession with a deep history of racial segregation and exclusion.¹⁷ Today, 85 percent of librarians and media collection specialists in the U.S. are White, and 85 percent are women.¹⁸
- Library codes of conduct often punish patrons for individual behaviors that may emerge from systemic inequities. A review of 31 codes of conduct in university libraries found many of them "curtail[ed] students' ability to meet their basic needs, including eating and sleeping."¹⁹
- Interpreting and enforcing codes of conduct are subject to implicit racial bias, where library staff may perceive and punish the behaviors of BIPOC patrons more harshly than White patrons.²⁰

Library codes of conduct are commonly enforced through patron bans. Because of libraries' central role in communities, researchers note even short-term bans can be highly disruptive for patrons and threaten their civil rights and liberties.²¹ Generally, research is lacking on racial disparities in library services, including in patron bans.²² However, one 2018

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analysis by the South Seattle Emerald found that Black patrons, especially children, were much more likely to be kicked out of Seattle public libraries than patrons of other races.²³

To advance RESJ and reduce racial inequities and disparities in codes of conduct and patron bans, researchers and practitioners offer the following best practices:

- Engage patrons, especially BIPOC patrons, in examining and redeveloping codes of conduct with a RESJ lens;²⁴
- Improve tracking of incidents to help identify racial disparities in code of conduct enforcement,²⁵ and to encourage consistent and unbiased enforcement;²⁶
- Consider alternatives to enforcing codes of conduct that reduce punitive measures and policing, such as restorative justice and tiered restrictions;²⁷
- Allocate resources to support patrons with basic needs that can often be the root cause of conduct issues; and²⁸
- Provide training to library staff on topics like implicit bias, anti-racism, mental health first aid, and de-escalation.²⁹

ANTICIPATED RESJ IMPACTS

As previously noted, since 2019, County departments have issued 739 DBOs. Table B (Appendix) shows the top ten locations where DBOs have been issued. Collectively, these ten locations account for 82 percent of all DBOs issued in the last seven years. The table shows:

- Nine of the top ten locations issuing DBOs include libraries;
- The only non-library location on the list is Progress Place, a homeless services hub in downtown Silver Spring,³⁰ and
- Nearly one third of all DBOs were issued at one library: the Brigadier General Charles E. McGee Library in downtown Silver Spring.

To consider the anticipated impact of Bill 37-26 on RESJ in the County, OLO recommends the consideration of two related questions:

- Who would primarily benefit or be burdened by this bill?
- What racial and social inequities could passage of this bill weaken or strengthen?

OLO identified the following groups who would be impacted by Bill 37-26:

Community members who visit County facilities could be burdened by receiving an extended DBO that bans them from County facilities for longer than 90 days. This could burden community members by blocking their access to resources from these facilities, including many that may be important for meeting basic needs. Conversely, community members who visit County facilities could also benefit from increased safety and decreased disruptions if staff are given the authority to issue an extended DBO. OLO is unable to determine if the potential burdens to community members who visit County facilities exceed the potential benefits.

There is no data on the demographics of community members who visit County facilities by race and ethnicity. Further, available data on DBOs in dataMontgomery does not track race and ethnicity. However, data on the location of past

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DBOs suggests community members visiting County facilities in downtown Silver Spring could be disproportionately impacted by the new extended DBO (Table B, Appendix). This includes patrons visiting the Brigadier General Charles E. McGee Library and unhoused community members seeking services at Progress Place.

Table C (Appendix) shows the demographics of community members who live in Silver Spring by race and ethnicity. The data shows Black community members are overrepresented in Silver Spring. Asian community members are underrepresented in Silver Spring, while Latinx, Native American, Pacific Islander and White community members are proportionately represented.

Further, Table D (Appendix) shows the demographics of community members who are unhoused in the County. The data shows Black community members are overrepresented among people who are experiencing homelessness in the County. Latinx community members are particularly overrepresented among people experiencing unsheltered homelessness. Asian and White community members are generally underrepresented among people experiencing homelessness, while Native American and Pacific Islander community members are proportionately represented.

Staff who work in County facilities could benefit from increased safety and decreased disruptions if given the authority to issue an extended DBO.

As previously noted, the vast majority of DBOs since 2019 have been issued by MCPL. (Table A, Appendix) Thus, MCPL staff would especially benefit from the ability to issue an extended DBO. Human resources data in Table E (Appendix) shows Asian people are overrepresented among MCPL staff. Latinx people are underrepresented among MCPL staff, while Black and White people are proportionately represented.

Moreover, data on the location of past DBOs suggests staff who work in the Brigadier General Charles E. McGee Library would particularly benefit from the ability to issue an extended DBO. OLO could not access data on the demographics of MCPL staff in specific branches.

Taken together, OLO finds the anticipated RESJ impact of Bill 37-26 is indeterminate. Black community members who visit County facilities in downtown Silver Spring, including those who are unhoused, could be disproportionately impacted by a new extended DBO that bans visitors from County facilities for more than 90 days. However, OLO is unable to determine if the potential burdens to community members who visit County facilities exceed the potential benefits.

RECOMMENDED AMENDMENTS

The County's RESJ Act requires OLO to consider whether to recommend amendments to bills that could reduce racial and social inequities and advance RESJ.³¹ OLO finds the anticipated RESJ impact of Bill 37-26 is indeterminate. As such, OLO does not offer recommended amendments. However, should the Council seek to improve the RESJ impact of this Bill, OLO offers two policy options for Council consideration:

- **Incorporate best practices to advance RESJ and reduce racial inequities and disparities in codes of conduct and patron bans.** As previously noted, researchers and practitioners offer several RESJ best practices for libraries, including engaging BIPOC patrons in examining and redeveloping codes of conduct with a RESJ lens. The Council could consider adopting a place-based approach that pilots these practices in County facilities where DBOs are issued most frequently, such as the Brigadier General Charles E. McGee Library in downtown Silver Spring.
- **Require tracking to better understand potential racial and ethnic disparities in DBOs.** Currently, the Disruptive Behavior Order Issued dataset in dataMontgomery tracks specific data points for each DBO issued by County

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departments. To understand potential racial and ethnic disparities, the Council could require additional data points to be tracked for each DBO issued, including race, ethnicity and age range of community members receiving the DBO, and consistent tracking of the DBO reason and location where it was issued.

CAVEATS

Two caveats to this RESJIS should be noted. First, predicting the impact of bills on RESJ is challenging due to data limitations, uncertainty, and other factors. Second, this RESJIS is intended to inform the Council's decision-making process rather than determine it. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

APPENDIX

Figure A. Circumstances that would allow issuance of greater than 90-day DBO with Bill 37-26

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.

Source: Bill 37-26, [Introduction Staff Report for Bill 37-26](#), pgs. (4)-(5)

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Table A. Disruptive Behavior Orders Issued by County Department Since 2019

County Department	Number Issued	Percent Issued
Public Libraries	577	78.08
Health and Human Services	78	10.55
Recreation Department	62	8.39
Department of Transportation - Ride-On	6	0.81
Department of Transportation	5	0.68
Police Department	3	0.41
Alcohol Beverage Services	2	0.27
Fire and Rescue Services	1	0.14
Department of Housing and Community Affairs	1	0.14
Community Use of Public Facilities	1	0.14
Office of the County Attorney	1	0.14
Office of the County Executive	1	0.14
Office of Animal Services	1	0.14
Grand Total	739	100.00

Source: OLO analysis of [Disruptive Behavior Order Issued](#) dataset as of August 19, 2026, dataMontgomery.

Table B. Top Ten County Facilities Issuing Disruptive Behavior Order Since 2019

County Facility	Number Issued	Percent Issued (of 739 total DBOs)
Brigadier General Charles E. McGee Library (Silver Spring)	239	32.34
Rockville Memorial Library	94	12.72
Progress Place/Interfaith Works/Shepherd's Table (Silver Spring)	74	10.01
Wheaton Library & Recreation Center	52	7.04
Connie Morella Library (Bethesda)	40	5.41
Germantown Library	35	4.74
Twinbrook Library	25	3.38
Long Branch Library	19	2.57
Kensington Park Library	17	2.30
Gaithersburg Library	14	1.89

Source: OLO analysis of [Disruptive Behavior Order Issued](#) dataset as of August 19, 2026, dataMontgomery.

Table C. Percent of Population by Race and Ethnicity, Silver Spring³²

Race or ethnicity	Silver Spring	County
Asian	8.6	15.4
Black	28.8	18.6
Native American	0.9	0.6
Pacific Islander	0.1	0.0
White	34.5	42.1
Latinx	24.5	21.0

Source: [Table DP05](#), 2024 American Community Survey 5-Year Estimates, Census Bureau.

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Table D. Percent of Unhoused Community Members by Race and Ethnicity, Montgomery County, 2025

Race or ethnicity	Sheltered N=1,351	Unsheltered N=159	Total N=1,510	County
Asian	2.7	3.8	2.8	15.3
Black	63.9	40.3	61.4	18.3
Native American	0.6	0.6	0.6	0.1
Middle Eastern or North African	0.6	0.0	0.5	-
Pacific Islander	0.4	0.0	0.3	0.0
White	12.4	25.8	13.8	39.5
Multiple Race	1.8	1.9	1.8	4.8
Latinx	17.7	27.7	18.7	21.0

Source: [2025 Continuum of Care Homeless Assistance Programs Homeless Populations and Subpopulations](#), U.S. Department of Housing and Urban Development and [Table DP05](#), 2024 American Community Survey 5-Year Estimates, Census Bureau.

Table E. Percent of Montgomery County Public Library Staff by Race and Ethnicity

Race or ethnicity	Library Staff (N=381)	County
Asian	19.4	15.3
Black	16.3	18.3
White	41.5	39.5
Two or More Race	2.4	4.8
Latinx	8.9	21.0
Unknown	11.5%	-

Source: OLO analysis of 2026 unpublished Office of Human Resources data and [Table DP05](#), 2024 ACS 5-Year Estimates, Census Bureau.

¹ Definition of racial equity and social justice adopted from M. Gamblin et al., [“Applying Racial Equity to U.S. Federal Nutrition Programs,”](#) Bread for the World and [Racial Equity Tools](#).

² Ibid.

³ Disruptive behavior is defined in County Code as “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.”

⁴ [Montgomery County Code Sec. 32-19C](#).

⁵ Memo from County Executive to Council President, [Introduction Staff Report for Bill 37-26](#), Montgomery County Council, Introduced July 21, 2026, pgs. (7)-(8).

⁶ Introduction Staff Report for Bill 37-26 and Bill 37-26, [Introduction Staff Report for Bill 37-26](#), pgs. (1)-(6).

⁷ Ibid.

⁸ Ibid.

⁹ Under current law, community members may be subject to a Class A violation if they engage in disruptive behavior in a public facility; refuse to provide requested identification following a disruptive behavior incident; and/or violate a DBO. This would remain the same with Bill 37-26.

¹⁰ [Introduction Staff Report for Bill 37-26](#), pg. 2.

¹¹ [“Library Services,”](#) Montgomery County Public Libraries.

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- ¹² J. Horrigan, [“Chapter 1: Who Uses Libraries and What They do at Their Libraries,”](#) Pew Research Center, September 15, 2015; K. MacKenzie, [“Public Libraries Help Patrons of Color to Bridge the Digital Divide, but Barriers Remain,”](#) Evidence Based Library and Information Practice, December 2021.
- ¹³ M. Ryan, [“Why US libraries are on the frontlines of the homelessness crisis,”](#) The Guardian, January 24, 2023; A. Velji, [“Strengthening Communities: The Role of the Public Library as a Site of Connection,”](#) Homeless Hub, 2020.
- ¹⁴ M. Bresnahan, [“How Policies Portray Students: A Discourse Analysis of Codes of Conduct in Academic Libraries,”](#) College & Research Libraries, 2022.
- ¹⁵ [“Guidelines Governing the Use of Montgomery County Public Libraries,”](#) Montgomery County Public Library.
- ¹⁶ M. Bresnahan, [“How Policies Portray Students: A Discourse Analysis of Codes of Conduct in Academic Libraries.”](#)
- ¹⁷ S. Harris, [“Strange Career: Reconciling Race and Profession in American Librarianship,”](#) Northeastern Illinois University Library Faculty Publications, 2020.
- ¹⁸ [Table 11. Employed people by detailed occupation, sex, race, and Hispanic or Latino ethnicity,](#) Labor Force Statistics from the Current Population Survey, U.S. Bureau of Labor Statistics, 2025.
- ¹⁹ M. Bresnahan, [“How Policies Portray Students: A Discourse Analysis of Codes of Conduct in Academic Libraries.”](#)
- ²⁰ [“Module 16: \(In\)Equity in Libraries,”](#) Project READY: Reimagining Equity & Access for Diverse Youth, Institute of Museum and Library Services.
- ²¹ [“Protecting the Rights of Suspended Library Patrons,”](#) Harvard Civil Rights-Civil Liberties Law Review, February 11, 2020.
- ²² [“Module 16: \(In\)Equity in Libraries,”](#) Project READY.
- ²³ E. Barnett, [“People of Color, Especially Children, Most Likely to be Asked to Leave Seattle Libraries,”](#) South Seattle Emerald, August 22, 2018.
- ²⁴ M. Bresnahan, [“How Policies Portray Students: A Discourse Analysis of Codes of Conduct in Academic Libraries,”](#) [“Module 16: \(In\)Equity in Libraries,”](#) Project READY; [“Protecting the Rights of Suspended Library Patrons,”](#) Harvard Civil Rights-Civil Liberties Law Review.
- ²⁵ [“Module 16: \(In\)Equity in Libraries,”](#) Project READY.
- ²⁶ A.D. Calkins, [“Approaching the Library Behavior Policy with Justice and Access at the Forefront,”](#) Oregon Library Association Quarterly, October 24, 2022, pgs. 35-36.
- ²⁷ [“Module 16: \(In\)Equity in Libraries,”](#) Project READY; A.D. Calkins, [“Approaching the Library Behavior Policy with Justice and Access at the Forefront,”](#) pgs. 34-36.
- ²⁸ M. Bresnahan, [“How Policies Portray Students: A Discourse Analysis of Codes of Conduct in Academic Libraries,”](#) M. Ryan, [“Why US libraries are on the frontlines of the homelessness crisis,”](#) [“Protecting the Rights of Suspended Library Patrons,”](#) Harvard Civil Rights-Civil Liberties Law Review.
- ²⁹ [“Module 16: \(In\)Equity in Libraries,”](#) Project READY; A. Cunningham, [“Ch. 7 Examining and Reducing Bias in Libraries,”](#) *Working in Library Services*, 2023; A.D. Calkins, [“Approaching the Library Behavior Policy with Justice and Access at the Forefront,”](#) pg. 37; [“Protecting the Rights of Suspended Library Patrons,”](#) Harvard Civil Rights-Civil Liberties Law Review; M. Ryan, [“Why US libraries are on the frontlines of the homelessness crisis.”](#)
- ³⁰ [“Progress Place,”](#) Silver Spring Urban District.
- ³¹ [Bill 27-19, Administration – Human Rights – Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee – Established,](#) Montgomery County Council.
- ³² For Table C, race is inclusive of Latinx origin. For Tables D and E, race is not inclusive of Latinx origin.

Economic Impact Statement

Montgomery County, Maryland

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

Summary

The Office of Legislative Oversight (OLO) anticipates that Bill 37-26 would have an insignificant impact on economic conditions in the County, as measured by the Council's priority economic indicators.

Background and Purpose of Bill 37-26

In 2004, the County enacted Section 32-19C of the County Code to address disruptive incidents in County public libraries,¹ giving the County authority to issue a Disruptive Behavior Order (DBO) to individuals who disrupt the normal functioning of a public facility.² Under current law, individuals who receive a DBO can be prohibited from accessing the facility where the disruption occurred for a period of 90 days or less.³

According to the County Executive, disruptive behavior incidents in County facilities have “increased dramatically,” from 22 documented incidents in 2020 to 168 in 2024⁴—a more than seven-fold increase. In response to rising incidents, Bill 37-26 would permit the County to issue DBOs that last more than 90 days and that restrict access to more than one County facility. Additionally, the Bill would “transfer reviewing responsibilities to the County’s police department or hearing examiner, depending on the duration of the order; provide the right to an evidentiary hearing and right to appeal; [and] transfer annual reporting responsibilities to the County’s police department.”⁵

The Council introduced Bill 37-26 at the request of the County Executive on July 21, 2026.

Information Sources, Methodologies, and Assumptions

As required by Section 2-81B of the Montgomery County Code, this Economic Impact Statement evaluates the impacts of Bill 37-26 on residents and private organizations, using the Council's priority economic indicators as the measure. In doing so, it examines whether the Bill would have a net positive or negative impact on overall economic conditions in the County.⁶

¹ See County Executive memo in [Introduction Staff Report for Bill 37-26](#).

² Disruptive behavior is defined in County Code as “act[ing] in a manner that a reasonable person would find disrupts the normal functions being carried on at that public facility” or “engag[ing] in conduct that is specifically prohibited by a notice conspicuously posted at that public facility.”

³ Montgomery County Code, [Section 32-19C, Disruptive Behavior—Public Facilities](#).

⁴ For data, see County Executive memo.

⁵ See Bill in Introduction Staff Report for Bill 37-26.

⁶ Montgomery County Code, [“Sec. 2-81B, Economic Impact Statements.”](#)

Permitting the County to issue DBOs lasting more than 90 days and restricting access to more than one County facility would have no direct impact on the Council’s priority economic indicators. Therefore, OLO concludes that Bill 37-26 would have no meaningful economic impact on residents, private organizations, or overall economic conditions in the County.

Variables

Not applicable

Impacts

WORKFORCE ▪ TAXATION POLICY ▪ PROPERTY VALUES ▪ INCOMES ▪ OPERATING COSTS ▪ PRIVATE SECTOR CAPITAL INVESTMENT ▪ ECONOMIC DEVELOPMENT ▪ COMPETITIVENESS

Not applicable

Discussion Items

Not applicable

Caveats

Two caveats to the economic impact analysis conducted here should be noted. First, predicting the economic impacts of legislation is a challenging analytical endeavor due to data limitations, the multitude of causes of economic outcomes, economic shocks, uncertainty, and other factors. Second, the analysis performed here is intended to *inform* the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO’s endorsement of, or objection to, the Bill under consideration.

Contributions

Stephen Roblin, PhD (OLO) prepared this report.