

Expedited Bill No. 32-23
Concerning: Police - Policing Advisory Commission - Amendments
Revised: 10/25/2023 Draft No. 4
Introduced: July 25, 2023
Expiration: December 7, 2026
Enacted: October 24, 2023
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Luedtke

AN EXPEDITED ACT to:

- (1) rename the Policing Advisory Commission so that it will now be known as [[Community Advisory Commission on Public Safety]] Advisory Commission on Policing;
- (2) amend the law regarding the Policing Advisory Commission regarding appointment of members and scope of the Commission; and
- (3) generally amend the law regarding policing and law enforcement.

By amending

Montgomery County Code
Chapter 35
Sections 35-6 and 35-6A

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:

1 **Sec. 1. Section 35-6 is amended as follows:**

2 **35-6. [Policing Advisory Commission] [Community Advisory Commission on**
3 **Public Safety]] Advisory Commission on Policing.**

4 (a) *Definitions.* In this Section the following words have the meanings
5 indicated:

6 *Commission* means the [Policing Advisory Commission] [Community
7 Advisory Commission on Public Safety]] Advisory Commission on
8 Policing.

9 *Department* means the Montgomery County Police Department.

10 *Institutional members* are: (A) the Police Chief or the Police Chief's
11 designee; and (B) the President of an employee organization certified
12 under Article V of Chapter 33 or the President's designee.

13 (b) *Established.* County Council must appoint [[a]]an [Policing Advisory
14 Commission] [Community Advisory Commission on Public Safety]]
15 Advisory Commission on Policing.

16 (c) *Composition and terms of members.*

17 (1) The Commission has [13]15 members consisting of 13 public
18 members and 2 institutional members.

19 (2) The Council [should]must appoint [9 public]all members. [Each]
20 Except for the institutional members, every other member should
21 represent a community organization operating in the County or
22 be an individual. [Each Councilmember should nominate one
23 member] Each Councilmember must nominate one public
24 member. If there is a vacancy on the Commission and the
25 Councilmember who appointed the Commissioner is no longer
26 on the Council, then the Councilmember's successor must
27 appoint the public member to fill the vacancy.

- 28 (3) [The Council should appoint 4 public members nominated by the
29 Executive.] ~~[[*Staggering of initial terms*]]~~Of [these]the ~~[[initial]]~~
30 public members:
- 31 (A) [one member should be 25 years of age or younger at the
32 time of appointment]~~[[5 must be appointed to 1-year~~
33 terms;]] [and] one member, known as the youth member,
34 must be 25 years of age or younger at the time of
35 appointment; [[and]]
- 36 (B) [one member should be 26-35 years of age at the time of
37 appointment.]~~[[5 must be appointed to 2-year terms]]~~ one
38 member, known as the young adult member, must be 26-
39 35 years of age at the time of appointment;]]; and
- 40 (C) 3 must be appointed to 3-year terms.]]and
- 41 (C) both the youth member and young adult member must be
42 nominated by the County Executive.
- 43 (4) The public members appointed under paragraphs (2) and (3)
44 should:
- 45 (A) reflect a range of ethnicities, socioeconomic status, and
46 places of origin to reflect the racial and economic diversity
47 of the County’s communities, including religious creed,
48 age, sex – including on the basis of gender identity or
49 orientation, disability, and geographic location, with
50 emphasis on those disproportionately impacted by
51 inequities; [and]and
- 52 (B) ~~[[include representation from business owners or~~
53 organizations, Urban Districts, homeowners’ associations,

54 common ownership communities, and tenants'
55 associations; and

56 (C)] have an interest or expertise in policing matters.

57 (5) [The Council should appoint the following as non-voting ex
58 officio members:

59 (A) the Police Chief or the Police Chief's designee; and

60 (B) the President of an employee organization certified under
61 Article V of Chapter 33 or the President's designee.

62 (6)] The term of each member is 3 years. A member must not serve
63 more than two consecutive full terms. A member must continue
64 in office until a successor is appointed and qualified. After an
65 appointment to fill a vacancy before a term expires, the successor
66 serves [[the rest of the unexpired]] a three-year term.

67 (d) [[Citizens Academy participation. The public members appointed under
68 paragraph (c) must participate in the Montgomery County Police
69 Department Citizens Academy]]New member orientation. Every new
70 member must participate in an orientation program consisting of a
71 menu of training opportunities determined by the Chair in consultation
72 with staff.

73 (e) *Voting, officers, meetings, and compensation.*

74 (1) [Except the ex officio members, all][[All]] Except the institutional
75 members, all members of the Commission are voting members.

76 (2) The Commission must elect a Chair and Vice-Chair from among
77 its [voting] voting members.

78 (3) The Commission meets at the call of the Chair. The Commission
79 must meet as often as necessary to perform its duties, but not less
80 than 6 times each year.

81 (4) A member must serve without compensation. However, a
82 member may request reimbursement for mileage and dependent
83 care costs at rates established by the County.

84 (f) *Duties.* The Commission must:

85 (1) advise the Council on policing matters;

86 (2) provide information regarding best practices on policing matters;

87 (3) recommend policies, programs, legislation, or regulations for the
88 Council's consideration;

89 (4) comment on matters referred to it by the Council;

90 (5) conduct community outreach for community input on policing
91 matters;

92 (6) accept correspondence and comments from members of the
93 public;], except that the Commission must [[not accept]]
94 forward to the Police Advisory Board complaints involving
95 police misconduct and discipline that fall under the jurisdiction
96 of the Police Advisory Board pursuant to Section 35-24; and

97 (7) engage in public education.

98 (g) *Requests for information.* The County, including the Police
99 Department, should respond to Commission requests for information
100 within 30 days after the County receives the request.

101 (h) *Annual Report.* By July 1 each year, the Commission must submit to
102 the Executive and the Council an annual report on its functions,
103 activities, accomplishments, and plans and objectives.

104 (i) *Advocacy.* The Commission must not engage in any advocacy activity
105 at the State or federal levels unless that activity is approved by the
106 Office of Intergovernmental Relations.

107 (j) *Staff.* The Executive Director of the Office of the County Council must
108 provide appropriate staff to the Commission.

109 (k) The Commission is not [[an oversight body of any law enforcement
110 entity operating in Montgomery County]]a regulatory or disciplinary
111 body over any law enforcement agency.

112 * * *

113 **Sec. 35-6A. Community Informed Police Training.**

114 * * *

115 (c) *Reporting requirements.*

116 * * *

117 (6) The Department must also provide the information reported under
118 paragraph (1) to the [Policing Advisory Commission] [[Community
119 Advisory Commission on Public Safety]] Advisory Commission on
120 Policing established under Section 35-6.

121 **Sec 2. Expedited Effective Date.**

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

Approved:



Evan Glass, President, County Council

October 24, 2023

Date

Approved:

Marc Elrich, County Executive

Date

This is a correct copy of Council action.

Sara R. Tenenbaum, Clerk of the Council

Date