

CORRECTED COPY

Bill No. 15-06
Concerning: Offenses – ~~[[Loitering]]~~
Disturbing the public peace or
disorderly conduct
Revised: 11-14-06 Draft No. 5
Introduced: April 18, 2006
Enacted: July 11, 2006
Executive: July 19, 2006
Effective: October 18, 2006
Sunset Date: None
Ch. 22, Laws of Mont. Co. 2006

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: Council President at the Request of the County Executive

AN ACT to:

- (1) prohibit ~~[[certain types of loitering]]~~ disturbing the peace or disorderly conduct;
- (2) require certain persons to provide a law enforcement officer with the person's name;
- (3) prohibit certain activity at certain public places;
- (4) impose certain penalties; and
- (5) generally amend the County loitering law.

By amending

Montgomery County Code
Chapter 32, Offenses – Victim Advocate
Sections 32-13 through 32-17

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. Sections 32-13 through 32-17 are amended as follows:**

2 **32-13. [[Loitering]] Disturbing the public peace or disorderly conduct -**
 3 **Definitions.**

4 [For the purposes of sections] As used in Sections 32-14 [[to]] through 32-17,
 5 the following terms [shall] have the following meanings [respectively ascribed to
 6 them in this section]:

7 [[***Loiter***: To circulate, stand around or remain or to park, or remain parked in
 8 a motor vehicle, either as an individual or as a member of a group, at a public place
 9 or place open to the public and to engage in any conduct prohibited under this law.
 10 **Loiter** also means to collect, gather, congregate or to be a member of a group or a
 11 crowd of people who are gathered together in any public place or place open to the
 12 public and to engage in any conduct prohibited under this law.]]

13 ***Place open to the public***: Any place [open to the public or any place to] [[in
 14 which]] where the public is invited or permitted [and in, on or around any privately
 15 owned place of business, private parking lot or private institution, including places of
 16 worship, cemetery or any place of amusement and entertainment whether or not a
 17 charge of admission or entry thereto is made. It includes the elevator, lobby, halls,
 18 corridors and areas open to the public of any store, office or apartment building.],
 19 including:

20 (a) a place of business;

21 (b) a parking lot;

22 (c) a place of worship;

23 (d) a cemetery;

24 (e) a place of amusement [[, whether or not admission is charged; and]]; or

25 (f) an elevator, lobby, or hallway [[in a building where the public is
 26 permitted]].

27 ***Public place***: [Any public street, road, or highway, alley, lane, sidewalk,

28 crosswalk or other public way, or any public resort, place of amusement, park,
29 playground, public building or grounds appurtenant thereto, school building or school
30 grounds, public parking lot or any vacant lot.]

- 31 (a) Any public way, including
32 (1) a street, road, or highway;
33 (2) a sidewalk;
34 (3) an alley or lane; [[and]]or
35 (4) a crosswalk.

- 36 (b) Any public facility, including
37 (1) a park;
38 (2) a playground;
39 (3) a school; [[and]] or
40 (4) a government building.

- 41 (c) Any vacant lot or parcel of land.

42 **32-14. [Same] [[Loitering]] Disturbing the public peace or disorderly**
43 **conduct- Prohibited conduct.**

44 [(a) It shall be unlawful for any person to] An individual must not [[loiter]]
45 at, on, or in a public place or place open to the public [[in such
46 manner a way that]]:

- 47 [(1)] (a) [To interfere, impede or hinder] interfere[[s]] with or
48 hinder[[s]] the free passage of pedestrian or vehicular traffic[.]; or
49 [(2) To interfere with, obstruct, harass, curse or threaten or to do
50 physical harm to another member or members of the public.

- 51 (3) That] [[by words, acts or other conduct]]
52 (b) incite[[s]] unlawful conduct, by words or intentional conduct,
53 [it is clear that there is a reasonable likelihood a breach of the
54 peace or disorderly conduct shall result] which is likely to
55 produce [[any]] imminent unlawful conduct.

56 [(b) It shall be unlawful for any person to loiter at a public place or place
57 open to the public and to fail to obey the direction of a uniformed police
58 officer or the direction of a properly identified police officer not in
59 uniform to move on, when not to obey such direction shall endanger
60 public peace.]

61 **32-15. [Same-Identification.] Temporary detention by police officer of an**
62 **[[person]] individual suspected of criminal behavior.**

63 [It shall be unlawful for any person at a public place or place open to the
64 public to refuse to identify himself by name and address at the request of a uniformed
65 police officer or of a properly identified police officer not in uniform, if the
66 surrounding circumstances are such as to indicate to a reasonable man that the public
67 safety requires such identification].

68 (a) A police officer may temporarily detain any individual under
69 circumstances that reasonably indicate that the individual [[either]]:

70 (1) has engaged in conduct prohibited under Section 32-14[[, or]];

71 (2) has violated or is violating a condition of parole or probation[[,]];

72 or

73 (3) has committed, is committing, or is about to commit a crime.

74 (b) A police officer may detain an individual under this Section only to
75 determine the individual's identity and the circumstances surrounding
76 [[the]] suspected criminal behavior. Any [[person so]] detained
77 individual must truthfully identify himself, but must not be compelled
78 to produce identification or answer any other question from any police
79 officer.

80 (c) An individual must not be detained under this Section longer than is
81 reasonably necessary to achieve the purposes of this Section[[, and in
82 no case longer than 60 minutes]]. Unless the individual is arrested,

83 the detention must not last longer than 60 minutes or extend beyond
84 the place, or the immediate vicinity of the place, where the individual
85 was first detained.

86 **32-16. [Same-] Lawful assembly exempted.**

87 Nothing in this Article, except Section 32-23, prohibits ~~[[orderly]]~~ lawful
88 picketing or other lawful assembly.

89 **32-17. [Same] ~~[[Loitering]]~~ Disturbing the public peace or disorderly**
90 **conduct– Penalties; Warning.**

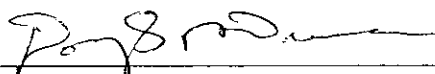
91 (a) [Any person violating any of the provisions herein shall be subject to
92 punishment for a class B violation as set forth in section 1-19 of chapter
93 1 of the County Code.] An individual who violates Section 32-14 or
94 Section 32-15 has committed a Class B violation.

95 (b) [No person shall] An individual must not be charged with a violation of
96 [sections 32-13 to 32-16] Section 32-14 or Section 32-15 unless [and
97 until] the arresting officer has first warned the ~~[[person]]~~ individual of
98 the violation and [such person] the individual has failed or refused to
stop [such] the violation.

99 *Approved:*

100  7/13/06
George L. Leventhal, President, County Council Date

101 *Approved:*

102  7/19/06
Douglas M. Duncan, County Executive Date

103 *This is a correct copy of Council action.*

104 *Linda M. Lauer* 7/20/06
Linda M. Lauer, Clerk of the Council Date

CLERK'S NOTE: Omitted words from current law were reinserted on lines 51 and 97.