

Montgomery County panel rejects curfew, loitering bills

By: [Rachel Baye](#) | 12/01/11 6:45 PM

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The Montgomery County Council's Public Safety Committee on Thursday rejected the heavily debated curfew and loitering bills proposed to fight youth crime in the county.

The committee voted 2-0 against recommending the curfew, with Councilman Marc Elrich, D-at large, abstaining, and 2-1 to reject the loitering bill, with Committee Chairman Phil Andrews, D-Gaithersburg/Rockville voting in favor of the bill he introduced.

County Executive Ike Leggett proposed the curfew bill in July following a gang-related stabbing in Silver Spring. Under that bill, youths under age 18 in a public place after 11 p.m. on Sunday through Thursday nights or midnight Friday and Saturday nights can receive a civil citation.

After a five-month-long debate on the curfew, the committee members were not convinced the bill would benefit the county.

A curfew is an unnecessarily "extraordinary measure," said Councilman Roger Berliner, D-Bethesda, citing the declining crime in the county.

Likewise, Elrich questioned whether what the Montgomery County police have called a necessary "tool in their toolbox" is necessary now.

He suggested an amendment that would allow the county executive to institute a 120-day curfew in the event of an emergency. That measure will be considered Tuesday, as will a similar amendment suggested by Councilwoman Nancy Floreen, D-at large, that allows the executive to implement a curfew that expires Dec. 31, 2013.

Elrich suggested the curfew apply to youths under age 16 to match the age at which Maryland residents are eligible for a driver's license.

Andrews introduced the loitering bill as an alternative that isn't limited by age or time of day. It prohibits being in a public place "at a time or in a manner not usual for law-abiding persons under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity," and was amended Thursday to carry a civil penalty.

In rejecting the loitering bill, the committee cited concerns that the bill would infringe on residents' freedom to travel, a risk described by County Attorney Marc Hansen.

Both bills are scheduled to go to the full council Tuesday for a vote, though it most likely will table the curfew vote indefinitely, Berliner said.

Leggett's office is disappointed that the council might not vote.

"They can make a decision one way or another, or we can stay on them until they decide," said spokesman Patrick Lacefield.