

Montgomery legislators may throw curfew into limbo

By Victor Zapana, Published: December 1

Montgomery lawmakers may delay voting on a controversial youth curfew Tuesday — a move that would throw the legislation into limbo and could derail efforts by County Executive Isiah Leggett.

On Thursday, the Montgomery County Council's public safety committee voted not to recommend the curfew or its counterproposal, a loitering bill introduced by curfew opponent Phil Andrews (D-Gaithersburg-Rockville). Both bills will be presented to the full council at its meeting Tuesday.

Leggett (D) says he wants council members to vote on the curfew before the December break. County officials initially scheduled a Tuesday vote on the measure, which would make it generally illegal for those younger than 18 to be outside late at night.

But some council members want the the curfew shelved. Roger Berliner (D-Potomac-Bethesda), an opponent who is widely expected to succeed Valerie Ervin (D-Silver Spring) as council president at Tuesday's meeting, and Hans Riemer (D-At Large) say it's not the right time to vote on the bill.

Council staff members say a majority of the council must agree to the delay, and no decision has been finalized. But Berliner and Ervin, who opposes the delay, say they think the majority is there.

Discussions of a delay suggest that lawmakers are trying to ease out of a vote that has split the community and raised questions about civil liberties, racial profiling and public safety.

Curfew supporters say it can protect youths and serve as a deterrent to youth crime. Opponents say that rigorous research doesn't support the effectiveness of curfews and that a curfew is susceptible to police abuse and would be impractical to enforce.

Berliner and Riemer say that if a spike in crime occurs and they think the curfew would help, they would be able to act quickly on the bill. Unlike killing the measure, delaying the vote would allow legislators to immediately bring it back.

But if the delay occurs Tuesday, council members won't have to decide when — or if — they would revisit the issue. The bill could automatically die in January 2013. "If you vote to table the bill, you're really voting against the bill," said council member George L. Leventhal (D-At Large).

A delay would be seen as a rebuke of Leggett, whose administration has aggressively pushed for the bill after a gang fight in Silver Spring over the summer spooked local business leaders. But it would not be a complete victory for Andrews, who wants the bill to die and has conducted a marathon campaign against it throughout Montgomery.

When asked about a possible delay, Andrews said, "I'll support whatever increases the chance of the bill not being passed by the County Council."

Assistant Chief Administrative Officer Kathleen Boucher said Leggett officials expect a vote Tuesday. "It's time for the county to move on," she said.

Most legislators were initially receptive to the bill, but council member Nancy Floreen (D-At Large) said council members are now "all over the place."

If the delay fails, council members probably would not approve a permanent nighttime curfew. Floreen and Marc Elrich (D-At Large) have proposed amendments that would allow the county executive to implement a limited curfew at his discretion, but lawmakers are wrestling with key differences between the amendments. Elrich's would lower the age to younger than 16, while Floreen's would sunset the bill until December 2013, just as election season is revving up.

Andrews, Berliner and Leventhal would vote against the curfew. Floreen and Craig Rice (D-Upcounty) say they would vote for it with or without the amendments. Elrich is supportive but could change his mind if colleagues do not lower the age. Ervin opposes Leggett's proposal, supports Floreen's amended version and is hesitant of Elrich's version.

Council member Nancy Navarro (D-Eastern County) opposes Leggett's version but wants to discuss the amendments, a council aide says.

Rierner, who has said he would probably vote for the bill, now says that police data showing that crime is dropping in Silver Spring without a curfew made him change his mind. He said an increased police presence by itself is working — for now.

As for the loitering bill, which targets people who behave suspiciously outside or on county property, county officials say it will be discussed Tuesday but will most likely fail. Berliner, Ervin, Elrich, Floreen and Navarro oppose the bill. Rice, who co-sponsored the legislation, said Thursday that he would also vote against it.