

Prince George's County Council Agenda Item Summary

Meeting Date: 11/20/2012
Reference No.: CB-042-2012
Draft No.: 2
Proposer(s): Toles
Sponsor(s): Toles, Davis, Franklin, Lehman, Turner
Item Title: An Act concerning Loitering for the purpose of amending the Loitering Ordinance and providing for a written warning for the first offense; increasing penalties for the second, third and subsequent written offenses; providing for a certain length of time for return; and generally relating to loitering.

Drafter: Colette R. Gresham, Legislative Officer
Resource Personnel: Dwayne B. Mingo, Chief of Staff/Legislative Aide

LEGISLATIVE HISTORY:

Date Presented:	6/5/2012	Executive Action:	12/6/2012 S
Committee Referral:	6/5/2012 - PSFM	Effective Date:	1/22/2013

Committee Action: 6/14/2012 - HELD
10/22/2012 - FAV(A)

Date Introduced: 10/23/2012
Public Hearing: 11/20/2012 - 9:00 AM

Council Action (1) 11/20/2012 - ENACTED
Council Votes: WC:A, DLD:A, MRF:A, AH:A, ML:A, EO:A, OP:A, IT:A, KT:A
Pass/Fail: P
Remarks:

AFFECTED CODE SECTIONS:

14-139.03

COMMITTEE REPORTS:

Public Safety and Fiscal Management

Date 10/22/2012

REPORT: COMMITTEE VOTE: Favorable as Amended 5-0 (Councilmember's: Campos, Turner, Davis, Harrison and Lehman)

This bill will amend the County's Loitering Ordinance by increasing the amount of the penalties for the second and third written offenses after issuing a written warning for the first offense.

The bill was amended as follows:

1. On page 2 line 22 delete "within 24 hours before" and insert "and not return for 30 days".
2. On page 2 line 26 – 27 after "first" insert "written", delete "a fine not exceeding \$100 or imprisonment not

exceeding 10 days, or both add a written warning requesting an individual to move; and”

3. On page 2 line 28 – 29 delete “subsequent” insert “ second written”, delete “ \$100 insert \$500, and delete “10 days” insert “30 days”.

4. On page 3 lines 1-2 add (3) For a third written offense and subsequent written offenses, a fine not exceeding \$1,000 or imprisonment not exceeding 30 days or both.

The Office of Law has reviewed this bill and finds it to be proper legislative form with no legal impediments to its enactment.

The enactment of CB-42-2012 will have a positive fiscal impact on the County as a result of revenues received from the increase in fines. The amount additional revenue cannot be determined at this time.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

The Council enacted CB-89-1995 on November 14, 1995, which established the County’s Loitering Ordinance and provided for penalties. The proposed legislation amends the Loitering Ordinance by removing certain time limitations that a person was asked to leave public or private property before returning and increases the penalties for the first offense from \$100 to \$500 and for a subsequent offense from \$500 to \$1,000.

CODE INDEX TOPICS:

INCLUSION FILES:
