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Judicial Proceedings Committee

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Senate Delegation



THE SENATE OF MARYLAND  
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Senate Judicial Proceedings Committee  
The Honorable William C. Smith  
2 East Miller Senate Building  
Annapolis, Maryland 21401-1991

**RE: SB 209 – Criminal Law – Unruly Social Gatherings – Civil Penalties**

Dear Chairman Smith and Members of the Committee:

I am pleased to present Senate Bill 209 which aims to give law enforcement authorities the ability to issue and enforce civil citations in the event of unruly social gatherings.

Several years ago, Towson was experiencing serious problems with unruly social gatherings. Towson University has grown like topsy in recent years and has outgrown its ability to house its students in University dormitories. So the students have moved out into the surrounding residential neighborhoods and have rented single family homes and apartments. Because the students are prone to congregate for social purposes, it is not hard to apprehend that frictions were developing between the students and neighboring homeowners or apartment dwellers.

Stepping into this volatile mix, County Councilman David Marks convened groups of stakeholders to address the problem, and working collaboratively, they managed to draft a proposed County ordinance which would creatively deal with the problem by involving the landlords of the student dwelling premises. The ordinance was enacted by the Baltimore County Council, and I think that there is virtually unanimous agreement that it has worked like a charm. Town gown relations in Towson are back on an even keel again, thanks to the ordinance.

Senate Bill 209 is an effort to extend to the entire State the benefits realized in Towson by the Marks ordinance.

Here is what the bill does. In the event that an unruly social gathering were to occur, Senate Bill 209 would permit a law enforcement officer to issue a citation to the responsible person. The term "responsible person" is defined as including the owner of the premises as well as the student tenants. An unruly social gathering is defined as a gathering at which three or more people are present at which alcoholic beverages are consumed by underage people, or the

conduct of the attendees creates a disturbance of the peaceful enjoyment by others of their property due to noise, unruly crowds, public drunkenness, vandalism, littering or any other conduct that constitutes a threat to the public health, safety or general welfare.

This bill will also provide a defense for landlords in certain defined situations. An owner who is not the occupant of the premises may not be issued a citation for the first violation at the premises. Then, the landlord is permitted a defense for the next four citations to the effect that the landlord did not authorize, know in advance of or participate in so long as the landlord has either regained possession of the premises or has taken action to regain possession. In the event a 5<sup>th</sup> citation is issued, the landlord would no longer be able to use this defense.

There is a friendly amendment that I have circulated that provides that for a first violation, a punishable fine amount not exceeding \$250 will be assessed. For each subsequent violation a fine not exceeding \$500 will be assessed.

Senate Bill 209 will be instrumental in assuring safe and quiet living in communities especially those with a heavy presence of leased housing such as around Universities.

Before concluding, allow me to call your attention to a letter of support of this bill that has been executed by the Presidents of nearly all of Maryland's universities. You'll see that the letter has been signed by President Schatzel from Towson University, President Daniels from Johns Hopkins, President Hrabowski from the University of Maryland Baltimore County and from eleven other university presidents.

For these reasons I ask for a favorable report on Senate Bill 209.