
By: **Senator DeGrange**

Introduced and read first time: February 3, 2005

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Railroad Police Officers - Scope of Powers**

3 FOR the purpose of authorizing a railroad police officer who is employed by a certain
4 railroad company to exercise the powers of a peace or police officer anywhere in
5 the State if the railroad police officer is investigating a crime that occurred on
6 certain property or conducting railroad-related crime prevention activity;
7 requiring a railroad police officer to provide certain notice to certain persons
8 when exercising the powers authorized by this Act; and generally relating to
9 railroad police officers.

10 BY repealing and reenacting, without amendments,

11 Article - Public Safety

12 Section 3-401

13 Annotated Code of Maryland

14 (2003 Volume and 2004 Supplement)

15 BY repealing and reenacting, with amendments,

16 Article - Public Safety

17 Section 3-406

18 Annotated Code of Maryland

19 (2003 Volume and 2004 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article - Public Safety**

23 3-401.

24 (a) In this subtitle the following words have the meanings indicated.

25 (b) (1) "Railroad company" means a railway company or corporation,
26 together with its subsidiaries, corporate affiliates, and parent companies, that is
27 engaged as a common carrier in the furnishing or sale of transportation subject to
28 Subtitle IV of Title 49 of the United States Code.

1 (2) "Railroad company" includes a corporation the title of which contains
2 a combination of words similar to "railway company".

3 (c) "Railroad police officer" means an individual appointed by the Governor to
4 act as a police officer for a railroad company under this subtitle.

5 (d) "Secretary" means the Secretary of State Police.

6 3-406.

7 (a) Each railroad police officer has all the powers granted to a peace or police
8 officer.

9 (b) [A] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A
10 railroad police officer may exercise the powers granted under this subtitle only if the
11 railroad police officer:

12 (1) is on real or personal property owned, leased, operated, or controlled
13 by the railroad company that employs the railroad police officer;

14 (2) is in fresh pursuit of a suspect;

15 (3) is requested or authorized to act by the executive officer or chief
16 police officer of a county; or

17 (4) is ordered to act by the Governor.

18 (C) SUBJECT TO THE REQUIREMENTS OF SUBSECTION (D) OF THIS SECTION,
19 IF A RAILROAD POLICE OFFICER IS EMPLOYED BY A RAILROAD COMPANY THAT IS
20 CLASSIFIED AS A CLASS I CARRIER UNDER 49 C.F.R. 1201.1-1 OR THE NATIONAL
21 RAILROAD PASSENGER CORPORATION (AMTRAK), THE RAILROAD POLICE OFFICER
22 MAY EXERCISE THE POWERS GRANTED UNDER THIS SUBTITLE ANYWHERE IN THE
23 STATE IF THE RAILROAD POLICE OFFICER IS:

24 (1) INVESTIGATING A CRIME THAT OCCURRED ON PROPERTY THAT IS
25 OWNED, LEASED, OPERATED, OR CONTROLLED BY THE RAILROAD COMPANY; OR

26 (2) CONDUCTING RAILROAD-RELATED CRIME PREVENTION ACTIVITY.

27 (D) (1) A RAILROAD POLICE OFFICER WHO ACTS UNDER THE AUTHORITY
28 GRANTED BY SUBSECTION (C) OF THIS SECTION SHALL NOTIFY, REASONABLY IN
29 ADVANCE, THE FOLLOWING PERSONS OF AN INVESTIGATION OR ENFORCEMENT
30 ACTION:

31 (I) 1. THE CHIEF OF POLICE, IF ANY, OR CHIEF'S DESIGNEE,
32 WHEN IN A MUNICIPAL CORPORATION;

33 2. THE POLICE COMMISSIONER OR POLICE COMMISSIONER'S
34 DESIGNEE, WHEN IN BALTIMORE CITY;

