

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

House Bill 408

(Delegate Kelley, *et al.*)

Judiciary

Judicial Proceedings

Railroad Police Officers - Scope of Powers

This bill expands the powers of a railroad police officer.

Fiscal Summary

State Effect: None. The bill would not affect State finances or operations.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: This bill provides that a railroad police officer may exercise the powers under the Maryland Railroad Police Act anywhere in the State if the officer is employed by Amtrak or a railroad company classified as a Class I carrier and the officer is: (1) investigating a crime that occurred on property owned, leased, operated, or controlled by the railroad company; or (2) conducting railroad related crime prevention activity.

The bill provides that a railroad officer who acts under the authority provided under this bill must provide advance notice to specified persons, including (under certain circumstances) the State Police, of an investigation or enforcement action. When the railroad officer participates in a joint investigation with officials from another state, federal, or local law enforcement unit, the officer is required to comply with this notification requirement.

The bill also provides that a law enforcement unit may require that before any investigations or activities take place under the bill, a memorandum of understanding be executed with the railroad company that outlines the respective duties and responsibilities of railroad police officers and the law enforcement unit with respect to the investigations or activities to be conducted by railroad police officers.

Current Law: Under federal regulations, a Class I carrier has annual carrier operating revenues of at least \$250 million after applying the (federal) railroad deflator formula.

There are 21 categorized police officers in the State with general or limited arrest authority in the State, including members of the Maryland Transit Administration Police Force, the Maryland Port Administration Police Force, the Maryland Transportation Authority Police Force, and the Washington Metropolitan Area Transit Authority Metro Transit Police (subject to certain jurisdictional limitations under the Washington Metropolitan Area Transit Authority Compact). An officer of the Maryland State Police, the Maryland Transportation Authority Police, the Maryland Port Authority Police, or a county or municipality may enforce certain controlled dangerous substances provisions throughout the State without any jurisdictional limitation.

Under the Maryland Railroad Police Act, “railroad police officer” means an individual appointed by the Governor to act as a police officer for a railroad company.

Each railroad police officer has all the powers granted to a peace or police officer. A railroad police officer may exercise the powers granted under the Act only if the officer: (1) is on real or personal property owned, leased, operated, or controlled by the railroad company that employs the officer; (2) is in fresh pursuit of a suspect; (3) is requested or authorized to act by the executive officer or chief police officer of a county; or (4) is ordered to act by the Governor.

Background: The Amtrak Police Department has 342 sworn officers with most of its security force located in the Northeast Corridor where Amtrak runs and operates the tracks and infrastructure. It is accredited by the Commission on Accreditation of Law Enforcement Agencies and has responsibility for the planning, assessment, and evaluation of Amtrak’s passenger, critical infrastructure, and station security, emergency response plans and operations.

Currently, there are 29 railroad police officers from Amtrak, CSX, and Norfolk Southern assigned to Maryland.

Additional Information

Prior Introductions: SB 310 and HB 986 of 2004 addressed similar issues and received unfavorable reports from the Judicial Proceedings Committee and Judiciary Committee, respectively.

Cross File: None designated, although SB 418 is identical.

Information Source(s): Wicomico County, Allegany County, Montgomery County, Prince George's County, Talbot County, Department of State Police, Maryland Department of Transportation, Baltimore City, Department of Legislative Services

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