
By: Prince George's County and Montgomery County Delegations

Introduced and read first time: February 1, 1996

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Washington Metropolitan Area Transit Authority - Metro Transit Police -Expansion of**
3 **Authority**
4 **PG/MC 14-96**

5 FOR the purpose of repealing the limitations on the jurisdiction of the Metro Transit
6 Police; authorizing certain Metro Transit Police to make arrests outside of transit
7 facilities but within the Transit Zone under certain circumstances; authorizing
8 Metro Transit Police to carry and use certain weapons under certain circumstances;
9 requiring certain notice and public hearing procedures for the adoption of certain
10 regulations; requiring certain jurisdictions to prosecute criminal violations of rules
11 or regulations of the Washington Metropolitan Area Transit Authority(WMATA)
12 in a certain manner; providing for a certain contingency; and generally relating to
13 the authority of the Metro Transit Police and rules and regulations of the WMATA.

14 BY repealing and reenacting, with amendments,
15 Article - Transportation
16 Section 10-204 Title III Article XVI Section 76(a), (b), and (e)
17 Annotated Code of Maryland
18 (1993 Replacement Volume and 1995 Supplement)

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

21 **Article - Transportation**

22 10-204.

23 Title III

24 Article XVI

25 76.

26 (a) The Authority is authorized to establish and maintain a regular police force,
27 to be known as the [metro transit police] METRO TRANSIT POLICE, to provide
28 protection for its patrons, personnel, and [transit] TRANSIT facilities. The [metro
29 transit police] METRO TRANSIT POLICE shall have the powers and duties and shall be
30 subject to the limitations set forth in this section. It shall be composed of both uniformed
31 and plainclothes personnel and shall be charged with the duty of enforcing the laws of the

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1 [signatories] SIGNATORIES, and the laws, ordinances and regulations of the political
 2 subdivisions thereof in the [transit zone] TRANSIT ZONE, and the rules and regulations
 3 of the Authority. The jurisdiction of the [metro transit police] METRO TRANSIT POLICE
 4 shall [be limited to] INCLUDE all the [transit] TRANSIT facilities (including bus stops)
 5 owned, controlled or operated by the Authority, but this restriction shall not limit the
 6 power of the [metro transit police] METRO TRANSIT POLICE to make arrests in the
 7 [transit zone]TRANSIT ZONE for violations committed upon, to, or against such
 8 [transit] TRANSIT facilities committed from within or outside such [transit] TRANSIT
 9 facilities[,] while in hot or close pursuit, or to execute traffic citations and criminal
 10 process in accordance with subsection (c) below. The members of the [metro transit
 11 police] METRO TRANSIT POLICE shall have concurrent jurisdiction in the performance
 12 of their duties with the duly constituted law enforcement agencies of the [signatories]
 13 SIGNATORIES and of the political subdivisions thereof in which any [transit] TRANSIT
 14 facility of the Authority is located or in which the Authority operatesany [transit]
 15 TRANSIT service. ON-DUTY METRO TRANSIT POLICE OFFICERS ARE AUTHORIZED TO
 16 MAKE ARRESTS OFF OF TRANSIT FACILITIES WITHIN THE TRANSIT ZONE WHEN
 17 IMMEDIATE ACTION IS NECESSARY TO PROTECT THE HEALTH, SAFETY, WELFARE
 18 OR PROPERTY OF AN INDIVIDUAL FROM ACTUAL OR THREATENED HARM OR FROM
 19 AN UNLAWFUL ACT. Nothing contained in this section shall either relieveany
 20 [signatory] SIGNATORY or political subdivision or agency thereof from its duty to
 21 provide police, fire, and other public safety service and protection, or limit, restrict, or
 22 interfere with the jurisdiction of or the performance of duties by the existing police, fire,
 23 and other public safety agencies. For purposes of this section, "bus stop" means that area
 24 within 150 feet of a [metrobus] METROBUS bus stop sign, excluding the interior of any
 25 building not owned, controlled[,] or operated by the Washington Metropolitan Area
 26 Transit Authority.

27 (b) [Except as otherwise provided in this section, a] A member of the [metro
 28 transit police] METRO TRANSIT POLICE shall have the same powers, including the power
 29 of arrest, and shall be subject to the same limitations, including regulatory limitations, in
 30 the performance of his duties as a member of the duly constituted police force of the
 31 political subdivision in which the [metro transit police] METRO TRANSITPOLICE
 32 member is engaged in the performance of his duties. [However, a]A member of the
 33 [metro transit police] METRO TRANSIT POLICE is authorized to carry and use only such
 34 weapons, including handguns, as are issued [or otherwise approved] by the Authority[,
 35 and only in the performance of his duties or while on the transit facilities owned,
 36 controlled, or operated by the Authority in direct transit to and from a duty assignment].
 37 A member of the [metro transit police] METRO TRANSIT POLICE is [authorized to carry
 38 such weapons only while in direct transit to and from a duty assignmentand is] subject to
 39 such additional limitations in the use of weapons as are imposed on theduly constituted
 40 police force for the political subdivision in which he is engaged in the performance of his
 41 duties.

42 (e) The Authority shall have the power to adopt rules and regulations for the safe,
 43 convenient, and orderly use of the [transit] TRANSIT facilities OWNED, CONTROLLED,
 44 OR OPERATED BY THE AUTHORITY, including the payment and the manner of the
 45 payment of fares or charges therefor, the protection of the [transit] TRANSIT facilities,
 46 the control of traffic and parking upon the [transit] TRANSIT facilities, and the safety
 47 and protection of the riding public. In the event that any such rules and regulations

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 1 contravene the laws, ordinances, RULES, or regulations [or police operational rules] of a
 2 [signatory] SIGNATORY or any political subdivision thereof which are existing or
 3 subsequently enacted, these laws, ordinances, RULES, or regulations of the [signatory]
 4 SIGNATORY or the political subdivision shall apply and the conflicting rule or regulation,
 5 or portion thereof, of the Authority shall be void within the jurisdiction of that
 6 [signatory] SIGNATORY or political subdivision. In all other respects, the rules and
 7 regulations of the Authority shall be uniform throughout the [transit zone] TRANSIT
 8 ZONE. [The rules and regulations adopted by WMATA will be adopted by the board
 9 following public hearings held in accordance with § 15 SUPRA and then shall be
 10 published by the political subdivisions of the signatories in the same manner as their
 11 respective local ordinances are published. Judges and clerks of the several courts having
 12 jurisdiction in the signatories and their political subdivisions shall have the authority to
 13 impose, collect, and enforce penalties for failure to pay fines for violation of such rules
 14 and regulations in the same manner as fines are imposed, collected, and enforced in the
 15 respective signatories or political subdivisions.] THE RULES OR REGULATIONS
 16 ESTABLISHED UNDER THIS SUBSECTION SHALL BE ADOPTED BY THE BOARD
 17 FOLLOWING PUBLIC HEARINGS HELD IN ACCORDANCE WITH SECTION 62(C) AND (D)
 18 OF THIS COMPACT. THE FINAL REGULATION SHALL BE PUBLISHED IN A NEWSPAPER
 19 OF GENERAL CIRCULATION WITHIN THE ZONE AT LEAST 15 DAYS BEFORE ITS
 20 EFFECTIVE DATE. Any person violating any rule or regulation of the Authority shall be
 21 subject to arrest and, upon conviction by a court of competent jurisdiction, shall pay a fine
 22 of not more than TWO HUNDRED FIFTY DOLLARS (\$250) and costs [and, upon further
 23 order of the court, shall reimburse WMATA for any loss or damage resulting from the
 24 violation]. CRIMINAL VIOLATIONS OF ANY RULE OR REGULATION OF THE
 25 AUTHORITY SHALL BE PROSECUTED BY THE SIGNATORY OR POLITICAL
 26 SUBDIVISION IN WHICH THE VIOLATION OCCURRED, IN THE SAME MANNER BY
 27 WHICH VIOLATIONS OF LAW, ORDINANCES, RULES, AND REGULATIONS OF THE
 28 SIGNATORY OR POLITICAL SUBDIVISIONS ARE PROSECUTED.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not take
 30 effect until similar Acts are passed by the District of Columbia and the Commonwealth of
 31 Virginia; that the District of Columbia and the Commonwealth of Virginia are requested
 32 to concur in this Act of the General Assembly by the passage of substantially similar Acts;
 33 that the Department of Legislative Reference shall notify the appropriate officials of the
 34 District of Columbia, the Commonwealth of Virginia, and the United States Congress of
 35 the passage of this Act; and that, upon the concurrence in this Act by the District of
 36 Columbia, the Commonwealth of Virginia, and the United States, the Governor of the
 37 State of Maryland shall issue a proclamation declaring this Act valid and effective and
 38 shall forward a copy of the proclamation to the Director of the Department of Legislative
 39 Reference.

40 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the provisions
 41 of Section 2 of this Act, this Act shall take effect October 1, 1996.