
By: **Delegates Kelley, Anderson, Dumais, Lee, Menes, Quinter, Sophocleus,
and Vaughn**

Introduced and read first time: January 31, 2005

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2005

CHAPTER _____

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; authorizing a law
9 enforcement unit to require that a certain memorandum of understanding be
10 executed with the railroad company for which the officer works before certain
11 investigations or activities are conducted; and generally relating to railroad
12 police officers.

13 BY repealing and reenacting, without amendments,
14 Article - Public Safety
15 Section 3-401
16 Annotated Code of Maryland
17 (2003 Volume and 2004 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article - Public Safety
20 Section 3-406
21 Annotated Code of Maryland
22 (2003 Volume and 2004 Supplement)

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

3 **Article - Public Safety**

4 3-401.

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

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

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

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

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

15 3-406.

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

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

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

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

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

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

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

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

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

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

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

8 2. THE POLICE COMMISSIONER OR POLICE COMMISSIONER'S
9 DESIGNEE, WHEN IN BALTIMORE CITY;

10 3. THE CHIEF OF POLICE OR CHIEF'S DESIGNEE, WHEN IN A
11 COUNTY WITH A COUNTY POLICE DEPARTMENT, EXCEPT BALTIMORE CITY;

12 4. THE SHERIFF OR SHERIFF'S DESIGNEE, WHEN IN A
13 COUNTY WITHOUT A COUNTY POLICE DEPARTMENT;

14 5. THE SECRETARY OF NATURAL RESOURCES OR
15 SECRETARY'S DESIGNEE, WHEN ON PROPERTY OWNED, LEASED, OPERATED BY, OR
16 UNDER THE CONTROL OF THE DEPARTMENT OF NATURAL RESOURCES; OR

17 6. THE RESPECTIVE CHIEF OF POLICE OR CHIEF'S
18 DESIGNEE, WHEN ON PROPERTY OWNED, LEASED, OPERATED BY, OR UNDER THE
19 CONTROL OF THE MARYLAND TRANSPORTATION AUTHORITY, MARYLAND AVIATION
20 ADMINISTRATION, OR MARYLAND PORT ADMINISTRATION; AND

21 (II) THE DEPARTMENT OF STATE POLICE BARRACK COMMANDER
22 OR COMMANDER'S DESIGNEE, UNLESS THERE IS AN AGREEMENT OTHERWISE WITH
23 THE DEPARTMENT OF STATE POLICE.

24 (2) WHEN THE RAILROAD POLICE OFFICER PARTICIPATES IN A JOINT
25 INVESTIGATION WITH OFFICIALS FROM ANOTHER STATE, FEDERAL, OR LOCAL LAW
26 ENFORCEMENT UNIT, THE RAILROAD POLICE OFFICER SHALL COMPLY WITH THE
27 NOTICE REQUIREMENT OF PARAGRAPH (1) OF THIS SUBSECTION.

28 (3) (I) A LAW ENFORCEMENT UNIT MAY REQUIRE THAT, BEFORE ANY
29 INVESTIGATIONS OR ACTIVITIES OTHERWISE AUTHORIZED UNDER THIS
30 SUBSECTION MAY TAKE PLACE, A MEMORANDUM OF UNDERSTANDING BE
31 EXECUTED WITH THE RAILROAD COMPANY EMPLOYING THE POLICE OFFICER THAT
32 OUTLINES THE RESPECTIVE DUTIES AND RESPONSIBILITIES OF RAILROAD POLICE
33 OFFICERS AND THE LAW ENFORCEMENT UNIT WITH RESPECT TO THE
34 INVESTIGATIONS OR ACTIVITIES TO BE CONDUCTED BY RAILROAD POLICE
35 OFFICERS.

36 (II) A MEMORANDUM OF UNDERSTANDING EXECUTED UNDER THIS
37 PARAGRAPH MAY NOT LIMIT THE POWERS GRANTED TO A RAILROAD POLICE
38 OFFICER UNDER THIS SUBTITLE.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2005.