

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

House Bill 1305
Judiciary

(Delegate Kelly)

Public Safety - Maryland Railroad Police Act - Definition of "Railroad Police Officer"

This bill alters the definition of "railroad police officer" under the Maryland Railroad Police Act to provide that a railroad police officer is an individual who performs official duties in the State on a regular or periodic basis.

Fiscal Summary

State Effect: None. Any adjustments to procedures used by the Secretary of State Police in connection with the appointment of railroad police officers can be handled with existing budgeted resources. No change in fee revenue from such appointments is anticipated.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A railroad police officer is an individual appointed by the Governor to act as a police officer for a railroad company under the Maryland Railroad Police Act. Each railroad company located wholly or partly in the State may apply for the appointment of railroad police officers to protect property, patrons, passengers, tenants, employees, equipment, and services; and to preserve peace and order on railroad premises, easements, appurtenant property, trains, cars, and other vehicles.

To qualify for appointment as a railroad police officer under the Act, an applicant must be of good moral character and may not have been convicted of a felony or misdemeanor involving moral turpitude. An applicant must also be at least 21 years old and be a full-time police officer employed by a railroad company on July 1, 1979; or meet all the educational and training requirements required by the Police Training Commission.

The chief railroad police officer of a railroad company must: (1) submit to the Secretary of State Police under oath an application for appointment of each railroad police officer on the form that the Secretary requires; and (2) pay the application fee set by the Secretary, which is nonrefundable.

The Secretary must submit to the Governor each application received for appointment of a railroad police officer, a recommendation on denying or granting the application, and the reasons for the recommendation. The Governor may accept the Secretary's recommendations, but does not have to issue an appointment approved by the Secretary if believing it is not in the State's best interest.

Each railroad police officer has all the powers granted to a peace or police officer and may exercise those powers only if the railroad police officer:

- is on real or personal property owned, leased, operated, or controlled by the railroad company that employs the railroad police officer;
- is in fresh pursuit of a suspect;
- is requested or authorized to act by the executive officer or chief police officer of a county; or
- is ordered to act by the Governor.

The railroad company that employs a railroad police officer is liable for any wrongful action or abuse of power by the officer. Before performing the duties of a railroad police officer, each officer must take the oath required by Article I, § 9 of the Maryland Constitution before the clerk of the circuit court where the appointment is received.

Each railroad police officer who is in uniform and on duty must wear a badge in plain view that identifies the railroad company that employs the officer. Each officer must carry an identification card issued by the railroad company that employs the railroad police officer. Each officer must receive compensation from the railroad company that employs the officer.

An appointment issued under the Act remains in effect until terminated by the railroad company that employs the officer or revoked for cause by the Governor. Employment ends on the retirement, resignation, or termination of the officer. The powers granted to a

railroad police officer end when the employment ends. Within 10 days after the employment ends, the railroad company that employed the officer must file notice with the Governor that the employment has ended.

To carry out the purposes of the Act, the Governor may enter into a reciprocal agreement with the governor of another state to empower railroad police officers to perform police functions lawfully exercised by an officer of the reciprocal state that relate to the purposes described in the Act.

Background: Approximately 150 railroad police officers currently hold appointments in Maryland, of whom around 100 work for Amtrak. Initial applications for railroad police appointments have ranged between 12 and 23 a year from 2005 through 2009.

The current application fee for a railroad police commission is \$160, plus \$37.25 for a criminal history background check.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Governor's Office of Crime Control and Prevention; Department of State Police; Department of Legislative Services

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