

HOUSE BILL 1175

E4

8lr1867

By: **Delegate Cluster**

Introduced and read first time: February 8, 2018

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – National Railroad Passenger Corporation (AMTRAK) Police**
3 **Force**

4 FOR the purpose of establishing the National Railroad Passenger Corporation (AMTRAK)
5 police force; limiting the law enforcement powers of National Railroad Passenger
6 Corporation (AMTRAK) police officers to certain property; specifying certain
7 conditions under which National Railroad Passenger Corporation (AMTRAK) police
8 officers may exercise law enforcement powers on certain property; requiring the
9 Maryland Police Training and Standards Commission to adopt certain regulations;
10 providing that certain standards do not affect the status of certain officers;
11 conforming certain provisions of law relating to law enforcement officers; and
12 generally relating to the National Railroad Passenger Corporation (AMTRAK) police
13 force.

14 BY repealing and reenacting, without amendments,
15 Article – Criminal Procedure
16 Section 2–101(a)
17 Annotated Code of Maryland
18 (2008 Replacement Volume and 2017 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Criminal Procedure
21 Section 2–101(c)
22 Annotated Code of Maryland
23 (2008 Replacement Volume and 2017 Supplement)

24 BY repealing and reenacting, without amendments,
25 Article – Public Safety
26 Section 3–101(a) and 3–201(a)
27 Annotated Code of Maryland
28 (2011 Replacement Volume and 2017 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – Public Safety
3 Section 3–101(e) and 3–201(f)
4 Annotated Code of Maryland
5 (2011 Replacement Volume and 2017 Supplement)

6 BY adding to
7 Article – Transportation
8 Section 7–904
9 Annotated Code of Maryland
10 (2015 Replacement Volume and 2017 Supplement)

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

13 **Article – Criminal Procedure**

14 2–101.

15 (a) In this title the following words have the meanings indicated.

16 (c) “Police officer” means a person who in an official capacity is authorized by law
17 to make arrests and is:

18 (1) a member of the Department of State Police;

19 (2) a member of the Police Department of Baltimore City;

20 (3) a member of the Baltimore City School Police Force;

21 (4) a member of the police department, bureau, or force of a county;

22 (5) a member of the police department, bureau, or force of a municipal
23 corporation;

24 (6) a member of the Maryland Transit Administration Police Force or
25 Maryland Transportation Authority Police Force;

26 (7) a member of the University System of Maryland Police Force or Morgan
27 State University Police Force;

28 (8) a special police officer who is appointed to enforce the law and maintain
29 order on or protect property of the State or any of its units;

30 (9) a member of the Maryland Capitol Police of the Department of General
31 Services;

1 (10) the sheriff of a county whose usual duties include the making of arrests;

2 (11) a regularly employed deputy sheriff of a county who is compensated by
3 the county and whose usual duties include the making of arrests;

4 (12) a member of the Natural Resources Police Force of the Department of
5 Natural Resources;

6 (13) an authorized employee of the Field Enforcement Bureau of the
7 Comptroller's Office;

8 (14) a member of the Maryland–National Capital Park and Planning
9 Commission Park Police;

10 (15) a member of the Housing Authority of Baltimore City Police Force;

11 (16) a member of the Crofton Police Department;

12 (17) a member of the WMATA Metro Transit Police, subject to the
13 jurisdictional limitations under Article XVI, § 76 of the Washington Metropolitan Area
14 Transit Authority Compact, which is codified at § 10–204 of the Transportation Article;

15 (18) a member of the Intelligence and Investigative Division of the
16 Department;

17 (19) a member of the State Forest and Park Service Police Force of the
18 Department of Natural Resources;

19 (20) a member of the Department of Labor, Licensing, and Regulation Police
20 Force;

21 (21) a member of the Washington Suburban Sanitary Commission Police
22 Force;

23 (22) a member of the Ocean Pines Police Department;

24 (23) a member of the police force of the Baltimore City Community College;

25 (24) a member of the police force of the Hagerstown Community College;

26 (25) an employee of the Warrant Apprehension Unit of the Division of Parole
27 and Probation in the Department; [or]

28 (26) a member of the police force of the Anne Arundel Community College;

29 **OR**

1 **(27) A MEMBER OF THE NATIONAL RAILROAD PASSENGER**
2 **CORPORATION (AMTRAK) POLICE FORCE.**

3 **Article – Public Safety**

4 3–101.

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

6 (e) (1) “Law enforcement officer” means an individual who:

7 (i) in an official capacity is authorized by law to make arrests; and

8 (ii) is a member of one of the following law enforcement agencies:

9 1. the Department of State Police;

10 2. the Police Department of Baltimore City;

11 3. the Baltimore City School Police Force;

12 4. the Baltimore City Watershed Police Force;

13 5. the police department, bureau, or force of a county;

14 6. the police department, bureau, or force of a municipal
15 corporation;

16 7. the office of the sheriff of a county;

17 8. the police department, bureau, or force of a bicounty
18 agency;

19 9. the Maryland Transportation Authority Police;

20 10. the police forces of the Department of Transportation;

21 11. the police forces of the Department of Natural Resources;

22 12. the Field Enforcement Bureau of the Comptroller’s Office;

23 13. the Housing Authority of Baltimore City Police Force;

24 14. the Crofton Police Department;

25 15. the police force of the Maryland Department of Health;

1 16. the police force of the Maryland Capitol Police of the
2 Department of General Services;

3 17. the police force of the Department of Labor, Licensing, and
4 Regulation;

5 18. the police forces of the University System of Maryland;

6 19. the police force of Morgan State University;

7 20. the office of State Fire Marshal;

8 21. the Ocean Pines Police Department;

9 22. the police force of the Baltimore City Community College;

10 23. the police force of the Hagerstown Community College;

11 24. the Internal Investigation Unit of the Department of
12 Public Safety and Correctional Services;

13 25. the Warrant Apprehension Unit of the Division of Parole
14 and Probation in the Department of Public Safety and Correctional Services; [or]

15 26. the police force of the Anne Arundel Community College;
16 **OR**

17 **27. THE NATIONAL RAILROAD PASSENGER**
18 **CORPORATION (AMTRAK) POLICE FORCE.**

19 (2) “Law enforcement officer” does not include:

20 (i) an individual who serves at the pleasure of the Police
21 Commissioner of Baltimore City;

22 (ii) an individual who serves at the pleasure of the appointing
23 authority of a charter county;

24 (iii) the police chief of a municipal corporation;

25 (iv) an officer who is in probationary status on initial entry into the
26 law enforcement agency except if an allegation of brutality in the execution of the officer’s
27 duties is made;

28 (v) a Montgomery County fire and explosive investigator as defined
29 in § 2–208.1 of the Criminal Procedure Article;

1 (vi) an Anne Arundel County or City of Annapolis fire and explosive
2 investigator as defined in § 2–208.2 of the Criminal Procedure Article;

3 (vii) a Prince George’s County fire and explosive investigator as
4 defined in § 2–208.3 of the Criminal Procedure Article;

5 (viii) a Worcester County fire and explosive investigator as defined in
6 § 2–208.4 of the Criminal Procedure Article;

7 (ix) a City of Hagerstown fire and explosive investigator as defined
8 in § 2–208.5 of the Criminal Procedure Article; or

9 (x) a Howard County fire and explosive investigator as defined in §
10 2–208.6 of the Criminal Procedure Article.

11 3–201.

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

13 (f) (1) “Police officer” means an individual who:

14 (i) is authorized to enforce the general criminal laws of the State;
15 and

16 (ii) is a member of one of the following law enforcement agencies:

- 17 1. the Department of State Police;
- 18 2. the Police Department of Baltimore City;
- 19 3. the police department, bureau, or force of a county;
- 20 4. the police department, bureau, or force of a municipal
21 corporation;
- 22 5. the Maryland Transit Administration police force;
- 23 6. the Maryland Transportation Authority Police;
- 24 7. the police forces of the University System of Maryland;
- 25 8. the police force of Morgan State University;
- 26 9. the office of the sheriff of a county;
- 27 10. the police forces of the Department of Natural Resources;

- 1 11. the police force of the Maryland Capitol Police of the
- 2 Department of General Services;

- 3 12. the police force of a State, county, or municipal corporation
- 4 if the special police officers are appointed under Subtitle 3 of this title;

- 5 13. the Housing Authority of Baltimore City Police Force;

- 6 14. the Baltimore City School Police Force;

- 7 15. the Crofton Police Department;

- 8 16. the police force of the Department of Labor, Licensing, and
- 9 Regulation;

- 10 17. the Washington Suburban Sanitary Commission Police
- 11 Force;

- 12 18. the Ocean Pines Police Department;

- 13 19. the police force of the Baltimore City Community College;

- 14 20. the police force of the Hagerstown Community College;

- 15 21. the parole and probation employees of the Warrant
- 16 Apprehension Unit of the Division of Parole and Probation in the Department who are
- 17 authorized to make arrests; [or]

- 18 22. the police force of the Anne Arundel Community College;
- 19 **OR**

20 **23. THE NATIONAL RAILROAD PASSENGER**

21 **CORPORATION (AMTRAK) POLICE FORCE.**

- 22 (2) "Police officer" includes:

- 23 (i) a member of the Field Enforcement Bureau of the Comptroller's
- 24 Office;

- 25 (ii) the State Fire Marshal or a deputy State fire marshal;

- 26 (iii) an investigator of the Intelligence and Investigative Division of
- 27 the Department;

- 28 (iv) a Montgomery County fire and explosive investigator as defined

1 in § 2–208.1 of the Criminal Procedure Article;

2 (v) an Anne Arundel County or City of Annapolis fire and explosive
3 investigator as defined in § 2–208.2 of the Criminal Procedure Article;

4 (vi) a Prince George’s County fire and explosive investigator as
5 defined in § 2–208.3 of the Criminal Procedure Article;

6 (vii) a Worcester County fire and explosive investigator as defined in
7 § 2–208.4 of the Criminal Procedure Article;

8 (viii) a City of Hagerstown fire and explosive investigator as defined
9 in § 2–208.5 of the Criminal Procedure Article; and

10 (ix) a Howard County fire and explosive investigator as defined in §
11 2–208.6 of the Criminal Procedure Article.

12 (3) “Police officer” does not include:

13 (i) an individual who serves as a police officer only because the
14 individual occupies another office or position;

15 (ii) a sheriff, the Secretary of State Police, a commissioner of police,
16 a deputy or assistant commissioner of police, a chief of police, a deputy or assistant chief of
17 police, or another individual with an equivalent title who is appointed or employed by a
18 government to exercise equivalent supervisory authority; or

19 (iii) a member of the Maryland National Guard who:

20 1. is under the control and jurisdiction of the Military
21 Department;

22 2. is assigned to the military property designated as the
23 Martin State Airport; and

24 3. is charged with exercising police powers in and for the
25 Martin State Airport.

26 Article – Transportation

27 **7–904.**

28 (A) THERE IS A NATIONAL RAILROAD PASSENGER CORPORATION
29 (AMTRAK) POLICE FORCE.

30 (B) (1) A NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)

1 POLICE OFFICER MAY EXERCISE THE POWERS OF A LAW ENFORCEMENT OFFICER IN
2 THE STATE ON PROPERTY THAT IS OWNED, LEASED, OR OPERATED BY OR UNDER
3 THE CONTROL OF THE NATIONAL RAILROAD PASSENGER CORPORATION
4 (AMTRAK).

5 (2) A NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)
6 POLICE OFFICER MAY NOT EXERCISE LAW ENFORCEMENT POWERS ON ANY OTHER
7 PROPERTY UNLESS THE OFFICER IS:

8 (I) ENGAGED IN FRESH PURSUIT OF A SUSPECTED OFFENDER;

9 (II) REQUESTED OR AUTHORIZED TO DO SO IN A POLITICAL
10 SUBDIVISION BY THE CHIEF EXECUTIVE OFFICER OR CHIEF POLICE OFFICER OF THE
11 POLITICAL SUBDIVISION;

12 (III) NEEDED FOR THE ORDERLY FLOW OF TRAFFIC TO AND
13 FROM PROPERTY OWNED, LEASED, OR OPERATED BY OR UNDER THE CONTROL OF
14 THE NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK); OR

15 (IV) ORDERED TO DO SO BY THE GOVERNOR.

16 (C) (1) THE MARYLAND POLICE TRAINING AND STANDARDS
17 COMMISSION SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION,
18 INCLUDING STANDARDS FOR CHARACTER, TRAINING, EDUCATION, HUMAN
19 RELATIONS, EXPERIENCE, AND JOB PERFORMANCE FOR NATIONAL RAILROAD
20 PASSENGER CORPORATION (AMTRAK) POLICE OFFICERS.

21 (2) TO THE EXTENT PRACTICABLE, THE REGULATIONS ADOPTED
22 UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE SIMILAR TO THE
23 STANDARDS OF THE DEPARTMENT OF STATE POLICE.

24 (3) STANDARDS ADOPTED ON OR AFTER OCTOBER 1, 2018, ON
25 MINIMUM HIRING QUALIFICATIONS OF NATIONAL RAILROAD PASSENGER
26 CORPORATION (AMTRAK) POLICE OFFICERS DO NOT AFFECT THE STATUS OF AN
27 INDIVIDUAL WHO WAS A QUALIFIED NATIONAL RAILROAD PASSENGER
28 CORPORATION (AMTRAK) POLICE OFFICER ON OCTOBER 1, 2018.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2018.