

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1175
Judiciary

(Delegate Cluster)

Public Safety - National Railroad Passenger Corporation (AMTRAK) Police Force

This bill establishes the National Railroad Passenger Corporation (AMTRAK) police force in State law and makes the police officers (1) subject to the Law Enforcement Officers' Bill of Rights and (2) eligible for certification by the Maryland Police Standards and Training Commission (MPTSC).

Fiscal Summary

State Effect: None. Any responsibilities for MPTSC can be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: A National Railroad Passenger Corporation (AMTRAK) police officer has the powers granted to a law enforcement officer. With specified exceptions, these powers may be exercised only on property that is owned, leased, or operated by or under the control of the National Railroad Passenger Corporation (AMTRAK).

MPTSC must adopt regulations to carry out the bill, including standards for character, training, education, human relations, experience, and job performance for National Railroad Passenger Corporation (AMTRAK) police officers. To the extent practicable, those regulations must be similar to the standards of the Department of State Police.

Standards adopted on or after October 1, 2018, relating to minimum hiring qualifications of a National Railroad Passenger Corporation (AMTRAK) police officer, do not affect the status of an individual who was a qualified National Railroad Passenger Corporation (AMTRAK) police officer on October 1, 2018.

Current Law: Under provisions of the Public Safety Article, 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 (1) protect property, patrons, passengers, tenants, employees, equipment, and services and (2) 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 age 21 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 (now known as MPTSC).

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 the Governor believes 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: MPTSC trains and certifies police officers and also approves and certifies police training academies that meet the commission's minimum standards for police officer training. Under the bill, if the National Railroad Passenger Corporation (AMTRAK) opts to develop its own training program for its officers, it must meet the commission's standards in order for its officers to have police powers.

Currently, National Railroad Passenger Corporation (AMTRAK) police officers are employed and trained by AMTRAK. There are 108 active commissions for railroad police in the State.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Association of Counties; Governor's Office of Crime Control and Prevention; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - February 22, 2018
nb/lgc

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