

## **SB 91 - Assault of a Public Transportation Operato**

Uploaded by: Edwards, Donna

Position: FAV



# MARYLAND STATE & D.C. AFL-CIO

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## **SB 91 – Assault on Public Transportation Operator - Penalties Senate Judicial Proceedings Committee January 20, 2021**

### **SUPPORT**

**Donna S. Edwards  
President  
Maryland State and DC AFL-CIO**

Chairman Smith and members of the Committee, thank you for the opportunity to provide testimony in support of SB 91 – Assault on Public Transportation Operator - Penalties. My name is Donna S. Edwards, and I am the President of the Maryland State and District of Columbia AFL-CIO. On behalf of the 340,000 union members in the state of Maryland, I offer the following comments in support of SB 91.

Assault on our public employees is an assault on all of us. Current law recognizes that fact by imposing felony penalties for a physical assault if the victim is a police officer, firefighter, first responder, or parole officer, that is engaged in the performance of their job. Unfortunately, our transit workers, are not covered under that umbrella of greater protection if they happen to be assaulted on the job.

Transportation workers interact with the public on a daily basis, and are, oftentimes, the subject of assault. These workers are the face of our transportation system – providing top-notch service to everyone who utilizes public transportation – and they deserve the same respect and protection afforded to other public employees who are at risk of being assaulted on the job. With several high profile assaults on transportation workers in Maryland in recent months, it is imperative that we act sooner, rather than later, on imposing stiffer penalties against those who would bring harm on our bus drivers and train operators.

It is time for us to bring our transportation workers up to parity with police, firefighters, first-responders, and parole officers, by imposing felony penalties for those who might do them harm.

**We urge a favorable report on SB 91.**

# **Testimony SB-91 Assault on Transit Operating Emplo**

Uploaded by: Kasecamp, Larry

Position: FAV

LARRY KASECAMP  
Legislative Director

THOMAS CAHILL  
Assistant Director

JOHNNY WALKER  
Secretary



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January 20, 2021

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The Honorable William C. Smith Jr., Chairman  
and Members of the Senate Judicial Proceedings Committee

**RE: SUPPORT SB-91**

I am the Maryland Legislative Director for the Transportation Division of the International Association of Sheet Metal, Air, Rail and Transportation Worker's (SMART). We are the largest rail labor union in North America. Our members in Maryland are employees of CSX, Norfolk Southern Railway, Amtrak, Bombardier (MARC Service) and the Canton Railroad and work as conductors, engineers, switchmen, trainmen, utility persons and yardmasters. Our members operate freight and passenger trains that travel throughout the State.

My position as Legislative Director within our organization is first and foremost to seek to ensure our members have a safe work environment. In that vein, I urge your committee to support SB-91, "*Criminal Law - Assault of a Public Transportation Operator - Penalties.*"

We all recognize the importance of the vital public service this additional class of employees being added to current law through this legislation provide to the public. However, statistics show that these employees are increasingly being subjected to assaults as the number of reported assaults against them over the past several years continues to climb.

With the concern for the environment, the high cost of personal transportation and the fluctuation of fuel prices, the use of public transit is growing. In fact, in recent years, excluding this period of a pandemic, the United States has experienced the highest public transit ridership in the last 60 years. This is a good thing for our state and public transit should be promoted to grow our public transit systems even further.

What we don't need is the negative publicity over the recently increasing rates of crime experienced in the systems. We do need a strong deterrent to prevent these incidents from ever occurring. We believe SB-91 could serve as this deterrent and we therefore urge your committee to give this legislation a favorable report.

Sincerely,

Lawrence E. Kasecamp  
MD State Legislative Director  
SMART Transportation Division

# **Testimony in Support SB 091 2020-0118.pdf**

Uploaded by: Millar, Amy

Position: FAV



**TESTIMONY IN SUPPORT OF SB 091**  
**Criminal Law- Assault of a Public Transportation Operator- Penalties**  
**January 18, 2021**

**To: Hon. William Smith, Chair, and members of the Senate Judicial Proceedings Committee**

**From: Clint Sobratti, Vice President, UFCW Local 1994 MCGEO**

Good afternoon Chairman Smith and members of the Judicial Proceedings Committee,

My name is Clint Sobratti, I am a vice president of UFCW Local 1994 MCGEO and I am testifying in support of SB 91. Ride On Bus Operators are frequently victims of assault and must be offered the same protections as firefighters, paramedics probation and parole agents.

I've worked as a Bus Operator and a Transit Coordinator with Montgomery County Transit Department (Ride-on) for the past ten years and I also serve as a shop stewards for my union. Over the years, I have heard and witnessed numerous attacks on drivers that have endangered, not only the driver but passengers and other vehicles as well.

Right before COVID-19 outbreak, a senior driver was brutally assaulted, sustaining serious injuries to his face, a swollen jaw, and a black and blue eye. The driver was relieved from his duties to recover and care from his injuries. Upon returning to work and back on his regular schedule, the driver now must transport the man that violently attacked him. His assailant never faced serious repercussions and this operator is petrified for his safety and life.

In another recent example, without fear of any real repercussions, a male passenger continuously harassed a female bus operator every day on her set schedule routes. This passenger threatened the driver daily, throwing objects at the bus operator and causing her to be distracted with a bus full of passengers. This passenger went as far as kicking and breaking the glass door to the entrance of the bus. The female driver was in fear of her life, she reported the incident and started to take time off from work to avoid any more interaction with that passenger. Being a single mother and a target of violence, this bus operator was contemplating a career change. I spoke with management regarding this issue and we had devised a plan for me to follow her the next day at work and figure out who and why this was happening. The following day the driver was too afraid to come to work and I was unable to resolve the problem. Luckily, the driver was able to switch routes, but the passenger remains a threat. These are only two of many horrific stories

that I could share with you. Just this summer, a bus driver was killed by passengers in Baltimore and every day I am afraid that this may happen to another driver.

Transit Operators are serving on the front lines in a pandemic that has cost hundreds of thousands of lives and we are the lifeline that keeps people employed, business open and the economy moving forward. It is an incredibly high stress- and high stakes occupation that carries many obstacles, but ASSAULT should not be one of them. Attacks on transit operators are increasing and these assaults threaten not only the driver, but everyone on the bus and every other vehicle on the road. Please help to keep us and the passengers who depend on us safe.

On behalf of the over 8,000 members of UFCW Local 1994 MCGEO, I ask for a **favorable** report on this legislation.

## **SB0091 - MTA - Assault of a Public Transportation**

Uploaded by: Westervelt, Patricia

Position: FAV



January 20, 2021

The Honorable William C. Smith, Jr.  
Chairman, Senate Judicial Proceedings Committee  
2 East Miller Senate Office Building  
Annapolis MD 21401

***Re: Letter of Support – Senate Bill 91 – Criminal Law – Assault of a Public Transportation Operator - Penalties***

Dear Chairman Smith and Committee Members:

The Maryland Department of Transportation Maryland Transit Administration (MDOT MTA) supports Senate Bill 91, as it enhances the safety of our public transit operators and reinforces the important role that these individuals play for our State.

Senate Bill 91 would increase the penalty for voluntarily causing physical injury to bus, train, or light rail operators or any other individuals providing public transportation services, from 2nd degree misdemeanor assault to 2nd degree felony assault. Currently, the penalty is only increased for those who assault a law enforcement officer, first responder on duty, or a parole or probation officer.

MDOT MTA is grateful for the service of our dedicated men and women who operate our buses, light rail, metro subway, MARC, and mobility vehicles. These individuals drive our children to school each day, transport the vulnerable to medical appointments, and ensure the workers of our State arrive at their place of employment on time. The current COVID-19 pandemic has only further highlighted the vital nature of their work.

Since 2013, an average of 50 assaults against MDOT MTA operators are reported each year. Just this past October, a 20-year veteran MTA bus operator was assaulted and shot to death in broad daylight while on the job. MDOT MTA believes that any assault committed against our operators is reprehensible and should be treated with the same severity as assaults against other front-line workers. The increased penalties in Senate Bill 91 will serve as a strong deterrent to any individuals considering violence against our operators and underscores that the state of Maryland truly values the essential nature of their work.

For these reasons, the Maryland Department of Transportation and Maryland Department of Transportation Maryland Transit Administration respectfully request that the Committee grant Senate Bill 91 a favorable report.

Respectfully submitted,

Greg Slater  
Secretary  
Maryland Department of Transportation  
410-865-1001

Kevin B. Quinn, Jr.  
Administrator  
Maryland Transit Administration  
410-767-3943

## **Letter in Support of HB 324.pdf**

Uploaded by: Zirkin, Bobby

Position: FAV



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To: Members of the House Judiciary Committee  
Re: House Bill 324 – Criminal Law – Marijuana – Possession and Possession with Intent to Distribute  
From: Bobby Zirkin, On Behalf of CannaMD d/b/a ReLeaf Shop

Dear Delegate Moon,

Thank you for the opportunity to present this letter of support for HB 324 - Criminal Law – Marijuana – Possession and Possession with Intent to Distribute. I write on behalf of CannaMD d/b/a ReLeaf Shop. ReLeaf Shop is a medical cannabis dispensary located and serving patients in Baltimore City. ReLeaf Shop was founded by medical professionals and strives to deliver the best patient experience for those who need medical cannabis.

On behalf of the owners of ReLeaf Shop, we want to extend our sincere thanks to Delegate Moon for his steadfast commitment to this important issue. We have seen the incredible success of the medical cannabis industry in providing important patient care through the use of cannabis. And states across the nation are moving toward full recreational legalization. It is well documented that the criminalization of marijuana has a significant disproportionate impact on minority communities, and it is also counterproductive to effective law enforcement and public safety.

Senate Bill 364 was signed into law in April of 2014 and became active October of 2014. The 10-gram threshold was based on a prior bill arbitrarily setting a new “de minimus” definition to distinguish between criminal sentences. There was no rationale for setting the amount at 10 grams. In fact, most states that have threshold amounts distinguishing criminal and civil penalties use the 1-ounce threshold. Maryland is the lowest amount of any state that has chosen to create a civil penalty.

Possession with Intent to Distribute marijuana has unfortunately been used as a way around the civil fine attached to possession. Even with an amount lower than the 10-gram threshold, individuals may be charged with PWID under a totality of the circumstances review.

It seems fair that if an individual is possessing an amount of marijuana so low that it is a civil offense, that there should be a greater indicia of selling to be charged with the serious crime of PWID.

Once again, thank you to Delegate Moon for his work in this area of law. Should you have any questions, please feel free to contact me at any time.

Bobby Zirkin  
On Behalf of CannaMD d/b/a ReLeaf Shop