
By: **Delegates Kelley, Vallario, Moe, and Sophocleus**
Introduced and read first time: February 12, 2004
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Railroad Police Officers - Scope of Powers**

3 FOR the purpose of providing that a railroad police officer who is employed by a
4 certain railroad company may exercise the powers of a peace or police officer
5 anywhere in the State if the railroad police officer is investigating a crime that
6 occurred on property that is owned, leased, operated, or controlled by the
7 railroad company or attempting to prevent a crime against the operations of the
8 railroad company; and generally relating to railroad police officers.

9 BY repealing and reenacting, without amendments,
10 Article - Public Safety
11 Section 3-401
12 Annotated Code of Maryland
13 (2003 Volume)

14 BY repealing and reenacting, with amendments,
15 Article - Public Safety
16 Section 3-406
17 Annotated Code of Maryland
18 (2003 Volume)

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

21 **Article - Public Safety**

22 3-401.

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

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

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

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

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

6 3-406.

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

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

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

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

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

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

18 (C) IF A RAILROAD POLICE OFFICER IS EMPLOYED BY A RAILROAD COMPANY
19 THAT IS CLASSIFIED AS A CLASS I CARRIER UNDER 49 C.F.R. 1201.1-1, THE RAILROAD
20 POLICE OFFICER MAY EXERCISE THE POWERS GRANTED UNDER THIS SUBTITLE
21 ANYWHERE IN THE STATE IF THE RAILROAD POLICE OFFICER IS:

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

24 (2) ATTEMPTING TO PREVENT A CRIME AGAINST THE OPERATIONS OF
25 THE RAILROAD COMPANY.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2004.