

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 986
Judiciary

(Delegate Kelley, *et al.*)

Railroad Police Officers - Scope of Powers

This bill expands the powers of a railroad police officer by providing that an officer may exercise the powers under the Maryland Railroad Police Act anywhere in the State if the officer is employed by a railroad company classified as a Class I carrier and if the officer is: (1) investigating a crime that occurred on property owned, leased, operated, or controlled by the railroad company; or (2) attempting to prevent a crime against the operations of the railroad company.

Fiscal Summary

State Effect: None. The provisions of this bill will not affect State finances or operations.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: "Railroad company" means a railway company or corporation, together with its subsidiaries, corporate affiliates, and parent companies, that is engaged as a common carrier in the furnishing or sale of transportation subject to Subtitle IV of Title 49 of the U. S. Code, and includes a corporation the title of which contains a combination of words similar to "railway company." Under federal regulations, a Class I carrier is one that has annual carrier operating revenues of at least \$250 million after applying the (federal) railroad deflator formula.

“Railroad police officer” means an individual appointed by the Governor to act as a police officer for a railroad company under the Maryland Railroad Police Act.

There are 21 categorized police officers in the State with general or limited arrest authority in the State, including members of the Maryland Transit Administration Police Force, the Maryland Port Administration Police Force, the Maryland Transportation Authority Police Force, and the Washington Metropolitan Area Transit Authority Metro Transit Police (subject to certain jurisdictional limitations under the Washington Metropolitan Area Transit Authority Compact). An officer of the Maryland State Police, the Maryland Transportation Authority Police, the Maryland Port Authority Police, or a county or municipality may enforce certain controlled dangerous substances provisions throughout the State without any jurisdictional limitation.

Each railroad police officer has all the powers granted to a peace or police officer. A railroad police officer may exercise the powers granted under the Act only if the officer: (1) is on real or personal property owned, leased, operated, or controlled by the railroad company that employs the officer; (2) is in fresh pursuit of a suspect; (3) is requested or authorized to act by the executive officer or chief police officer of a county; or (4) is ordered to act by the Governor.

Additional Information

Prior Introductions: None.

Cross File: SB 310 (Senator DeGrange) – Judicial Proceedings.

Information Source(s): Department of State Police, Baltimore City, Department of Legislative Services

Fiscal Note History: First Reader - February 25, 2004
ncs/jr

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