

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE
Revised

House Bill 631

(Delegate Levi, *et al.*)

Judiciary

Judicial Proceedings

**Transportation - Interfering with Transit Operators and School Bus Drivers -
Penalties**

This bill prohibits a person from obstructing, hindering, or interfering with a school bus driver while the driver is engaged in the performance of official duties. A violator is guilty of a misdemeanor and subject to maximum penalties of a \$1,000 fine and/or 90 days imprisonment.

The bill also expands the existing prohibition against obstructing, hindering, or interfering with the operation or operator of a transit vehicle or railroad passenger car to include a station agent, conductor, or station attendant employed by specified entities. Maximum penalties are increased from a \$500 fine to a \$1,000 fine and/or 90 days imprisonment.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues due to the bill's monetary penalty provisions. Expenditures are not affected.

Local Effect: Potential minimal increase in local correctional expenditures due to the bill's incarceration penalty provisions. Revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: It is unlawful for any person to engage in any of the following acts in any transit vehicle or transit facility, designed for the boarding of a transit vehicle, which is owned or controlled by the Maryland Transit Administration (MTA) or a train owned or controlled by MTA or operated by a railroad company under contract to MTA to provide passenger railroad service:

- expectorate;
- smoke or carry a lighted or smoldering pipe, cigar, or cigarette;
- consume food or drink, or carry any open food or beverage container;
- discard litter, except into receptacles designated for that purpose;
- play or operate any radio, cassette, cartridge, tape player, or similar electronic device or musical instruments, unless such device is connected to an earphone that limits the sound to the hearing of the individual user;
- carry or possess any explosives, acids, concealed weapons, or other dangerous articles;
- carry or possess any live animals, except seeing-eye animals and hearing-ear animals properly harnessed and accompanied by a blind person or a deaf person, and small animals properly packaged;
- obstruct, hinder, interfere with, or otherwise disrupt or disturb the operation or operator of a transit vehicle or railroad passenger car;
- board any transit vehicle through the rear exit door, unless so directed by an employee or agent of MTA;
- urinate or defecate, except in restrooms;
- fail to move to the rear of any transit vehicle when requested to do so by the operator or a police officer;
- fail to vacate a seat designated for the elderly or handicapped when requested to do so by the transit vehicle operator, train conductor, or a police officer; or
- except by contract with MTA, solicit the purchase of any goods or services.

A violator is guilty of a misdemeanor and subject to a maximum fine of \$500 for each offense.

Under § 7-101 of the Transportation Article, the term “transit vehicle” means a mobile device used in rendering transit service, which is defined as the transportation of persons and their packages and baggage and of newspapers, express, and mail in regular route, special, or charter service by means of transit facilities between points within the Metropolitan Transit District. That district consists of Baltimore City, Baltimore County, HB 631 / Page 2

Anne Arundel County, and other areas so designated, as specified, subject to the provisions of the Washington Metropolitan Transit Authority Compact. The district may also include any area in which railroad service is performed under contract with the Maryland Transit Administration (MTA) or in which railroad facilities are owned by MTA. Transit service does not include any taxicab service, vanpool operation, or railroad service.

Background: Recent reports of rowdy and criminal behavior on transit vehicles in the Baltimore area, including personal assaults, have given rise to personal safety and property concerns related to such circumstances. Three transit organizations that operate in Maryland have sworn police officers: MTA, the Washington Metropolitan Area Transit Authority (WMATA), and Amtrak. None of the State's locally operated transit systems have police agencies. They rely on local law enforcement agencies and to some extent the Maryland State Police for law enforcement on transit vehicles.

MTA Police handle the majority of arrests on MTA transit vehicles. MTA has also signed memoranda of understanding with Baltimore City, Baltimore County, and Anne Arundel County providing for concurrent jurisdiction between the MTA Police and the local police agencies in those jurisdictions.

State Revenues: General fund revenues may increase minimally as a result of the bill's monetary penalty provisions from cases heard in the District Court.

Local Expenditures: Expenditures may increase minimally as a result of the bill's incarceration penalties. Counties pay the full cost of incarceration for people in their facilities for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities are expected to range from \$46 to \$141 per inmate in fiscal 2010.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Commission on Criminal Sentencing Policy, Maryland State Department of Education, Judiciary (Maryland District Court), Department of Public Safety and Correctional Services, Maryland Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - March 6, 2009
mlm/kdm Revised - House Third Reader - March 26, 2009
Revised - Enrolled Bill - May 7, 2009

Analysis by: Guy G. Cherry

Direct Inquiries to:
(410) 946-5510
(301) 970-5510