

HOUSE BILL 997

R2

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By: **Delegates Conaway, Anderson, and Oaks**

Introduced and read first time: February 12, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Transit Administration – Police Vehicles – Video Recording**
3 **Devices**

4 FOR the purpose of requiring the Maryland Transit Administration to install and
5 activate a certain video recording device in certain police vehicles; requiring the
6 Administration to post a certain notice on each police vehicle equipped with a
7 video recording device; limiting, to certain persons and only for certain
8 purposes, the review of any video recording that is made in a police vehicle used
9 by a member of the Maryland Transit Administration police force while engaged
10 in official duties; requiring the Administration, in cooperation with the Office of
11 the Attorney General, to adopt certain regulations; and generally relating to
12 video recording devices in Maryland Transit Administration police vehicles.

13 BY repealing and reenacting, with amendments,
14 Article – Transportation
15 Section 7–207
16 Annotated Code of Maryland
17 (2008 Replacement Volume and 2009 Supplement)

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

20 **Article – Transportation**

21 7–207.

22 (a) The Administration shall establish and maintain a police force to provide
23 protection for its patrons, personnel, and all railroad facilities and transit facilities
24 owned, leased, or operated upon, by, or under the control of the Administration. The
25 police force is charged with the responsibility of enforcing the applicable laws,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 ordinances and regulations of the State and political subdivisions and the rules and
2 regulations of the Administration.

3 (b) (1) A Maryland Transit Administration police officer has all the
4 powers granted to a peace officer and a police officer of this State. These powers may
5 be exercised only on property owned, leased, or operated upon, by, or under the control
6 of the Administration and not on any other property unless:

7 (i) Engaged in fresh pursuit of a suspected offender;

8 (ii) Specially requested or permitted to do so in a political
9 subdivision by its chief executive officer or its chief police officer; or

10 (iii) Ordered to do so by the Governor.

11 (2) Members of the police force have concurrent jurisdiction in the
12 performance of their duties with the law enforcement agencies of the State and of the
13 political subdivisions in which any transit facility or railroad facility of the
14 Administration is located or in which the Administration operates any transit service
15 or railroad service. Nothing contained in this section relieves the State or a political
16 subdivision or agency thereof from a duty to provide police, fire and other public safety
17 service and protection or affects the jurisdiction of other police, fire, and public safety
18 agencies.

19 (c) (1) In consultation with the Maryland Police Training Commission,
20 the Administrator, with the approval of the Secretary, shall adopt standards,
21 qualifications, and prerequisites of character, training, education, human and public
22 relations, and experience for Maryland Transit Administration police officers,
23 including standards for the performance of their duties.

24 (2) The Administrator shall adopt standards similar to the standards
25 adopted for the Department of State Police.

26 (d) The Administrator with the approval of the Secretary shall adopt rules
27 and regulations governing the operation and conduct of the Maryland Transit
28 Administration police force.

29 (e) The Administration may enter into agreements with railroad companies,
30 political subdivisions, and public safety agencies, including those of the federal
31 government, for the delineation of the functions and responsibilities of the
32 Administration's police force.

33 (f) The Maryland Transit Administration police force may issue citations for
34 violations of the rules and regulations adopted by the Administration under this title.

35 **(G) (1) THE ADMINISTRATION SHALL INSTALL AND ACTIVATE A**
36 **VIDEO RECORDING DEVICE IN ANY VEHICLE USED BY A POLICE OFFICER OF THE**

1 MARYLAND TRANSIT ADMINISTRATION POLICE FORCE IN THE PERFORMANCE
2 OF THE POLICE OFFICER'S OFFICIAL DUTIES.

3 (2) THE VIDEO RECORDING DEVICE SHALL BE CAPABLE OF
4 RECORDING THE MARYLAND TRANSIT ADMINISTRATION POLICE OFFICER AND
5 ANY OTHER INDIVIDUAL OR ACTIVITY IN THE VEHICLE WHILE THE POLICE
6 OFFICER IS ENGAGED IN THE PERFORMANCE OF OFFICIAL DUTIES.

7 (3) THE ADMINISTRATION SHALL POST ON EACH VEHICLE USED
8 BY THE MARYLAND TRANSIT ADMINISTRATION POLICE FORCE IN THE
9 PERFORMANCE OF OFFICIAL DUTIES A CLEARLY VISIBLE NOTICE STATING
10 THAT:

11 (I) THE VEHICLE IS EQUIPPED WITH A VIDEO RECORDING
12 DEVICE; AND

13 (II) THE VIDEO RECORDING DEVICE IS IN OPERATION AND
14 PASSENGERS AND ACTIVITIES WITHIN THE VEHICLE ARE BEING RECORDED.

15 (4) A VIDEO RECORDING MADE AND RETAINED BY THE
16 ADMINISTRATION UNDER THIS SUBSECTION MAY BE REVIEWED ONLY BY:

17 (I) AN INVESTIGATIVE OR LAW ENFORCEMENT OFFICER
18 ACTING UNDER § 10-402 OF THE COURTS ARTICLE;

19 (II) AN INDIVIDUAL WHOSE IMAGE IS RECORDED;

20 (III) THE LEGAL REPRESENTATIVE OF AN INDIVIDUAL
21 DESCRIBED IN ITEM (II) OF THIS PARAGRAPH OR WHO IS THE SUBJECT OF AN
22 INVESTIGATION FOR WHICH INTERCEPTION OF A VIDEO RECORDING IS
23 AUTHORIZED UNDER § 10-402 OF THE COURTS ARTICLE;

24 (IV) THE ADMINISTRATOR OR THE ADMINISTRATOR'S
25 DESIGNEE ACTING UNDER § 7-202 OF THIS SUBTITLE; OR

26 (V) THE ADMINISTRATOR OR THE ADMINISTRATOR'S
27 DESIGNEE WHEN INVESTIGATING A COMPLAINT INVOLVING THE CONDUCT OF A
28 MARYLAND TRANSIT ADMINISTRATION POLICE OFFICER OR OTHER EMPLOYEE
29 OF THE ADMINISTRATION OR ANOTHER INDIVIDUAL WITHIN A VEHICLE USED BY
30 THE MARYLAND TRANSIT ADMINISTRATION POLICE FORCE IN THE
31 PERFORMANCE OF OFFICIAL DUTIES.

1 **(5) THE ADMINISTRATION, IN COOPERATION WITH THE OFFICE**
2 **OF THE ATTORNEY GENERAL, SHALL ADOPT REGULATIONS TO IMPLEMENT THIS**
3 **SUBSECTION.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2010.