

3-405. ISSUANCE OF APPOINTMENT.

(A) RECOMMENDATION TO GOVERNOR.

(1) THE SECRETARY SHALL SUBMIT TO THE GOVERNOR:

(I) EACH APPLICATION FOR APPOINTMENT OF A RAILROAD POLICE OFFICER RECEIVED UNDER THIS SUBTITLE;

(II) A RECOMMENDATION ON DENYING OR GRANTING THE APPLICATION; AND

(III) THE REASONS FOR THE RECOMMENDATION.

(2) THE GOVERNOR MAY ACCEPT THE RECOMMENDATION OF THE SECRETARY BUT NEED NOT ISSUE AN APPOINTMENT APPROVED BY THE SECRETARY IF THE GOVERNOR BELIEVES IT IS NOT IN THE BEST INTEREST OF THE STATE TO DO SO.

(B) ISSUANCE OF APPOINTMENT.

THE GOVERNOR SHALL ISSUE AN APPOINTMENT TO ACT AS A RAILROAD POLICE OFFICER TO EACH APPLICANT APPROVED BY THE GOVERNOR.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23, § 258(a) and (b).

In subsection (b) of this section, standard language is added to express the formerly implied duty of the Governor to issue an appointment to an applicant approved by the Governor.

Defined terms: "Railroad police officer" § 3-401
"Secretary" § 3-401

3-406. SCOPE OF APPOINTMENT.

(A) IN GENERAL.

EACH RAILROAD POLICE OFFICER HAS ALL THE POWERS GRANTED TO A PEACE OR POLICE OFFICER.

(B) LIMITATION OF POWERS.

A RAILROAD POLICE OFFICER MAY EXERCISE THE POWERS GRANTED UNDER THIS SUBTITLE ONLY IF THE RAILROAD POLICE OFFICER:

(1) IS ON REAL OR PERSONAL PROPERTY OWNED, LEASED, OPERATED, OR CONTROLLED BY THE RAILROAD COMPANY THAT EMPLOYS THE RAILROAD POLICE 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