

SENATE BILL 858

R2

5lr3386

By: **Senator Henson**

Introduced and read first time: January 28, 2025

Assigned to: Judicial Proceedings

Re-referred to: Finance, March 8, 2025

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 16, 2025

CHAPTER _____

1 AN ACT concerning

2 **State Public Transit Service and Stations – Exclusion for Assault and Bodily**
3 **Injury**

4 FOR the purpose of providing that a certain person alleged to have committed an assault
5 or other intentional act causing bodily injury may ~~not board~~ be prohibited from using
6 a State public transit service or ~~enter~~ entering a State public transit service station
7 ~~for a certain period of time and under certain circumstances; requiring the Maryland~~
8 Transit Administration to create a rider code of conduct and implement a
9 comprehensive internal safety program to strengthen protections for operators and
10 passengers; and generally relating to excluding individuals persons who commit
11 assault or acts resulting in bodily injury from State public transit services and
12 stations.

13 BY adding to
14 Article – Transportation
15 Section 7–705.1
16 Annotated Code of Maryland
17 (2020 Replacement Volume and 2024 Supplement)

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

20 **Article – Transportation**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



7-705.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) (I) "PUBLIC TRANSIT OPERATOR" HAS THE MEANING STATED IN §7-714 OF THIS SUBTITLE.

(II) "PUBLIC TRANSIT OPERATOR" INCLUDES A PERSON ENGAGED IN OFFICIAL DUTIES AS A STATION AGENT, CONDUCTOR, OR STATION ATTENDANT WHO IS EMPLOYED BY:

1. AN ENTITY THAT PROVIDES TRANSIT SERVICE UNDER CONTRACT WITH THE ADMINISTRATION;

2. A PRIVATE ENTITY THAT PROVIDES PUBLIC TRANSIT SERVICE; AND

3. AN ENTITY THAT PROVIDES TRANSIT SERVICE UNDER A TRANSPORTATION COMPACT UNDER TITLE 10 OF THIS ARTICLE.

(3) "STATE PUBLIC TRANSIT SERVICE" MEANS ANY OF THE FOLLOWING, IF OPERATED BY THE ADMINISTRATION OR ANOTHER STATE AGENCY:

(I) BUS SERVICE;

(II) TRAIN SERVICE;

(III) LIGHT RAIL SERVICE; AND

(IV) SUBWAY SERVICE.

(4) "STATE PUBLIC TRANSIT SERVICE STATION" MEANS A STOP OR STATION FOR STATE PUBLIC TRANSIT SERVICE.

(B) (1) ~~A SUBJECT TO SUBSECTION (C) OF THIS SECTION, A~~ PERSON WHO IS ALLEGED BY A PUBLIC TRANSIT OPERATOR TO HAVE COMMITTED AN ASSAULT OR OTHER INTENTIONAL ACT CAUSING BODILY INJURY TO A PUBLIC TRANSIT OPERATOR OR A PASSENGER WHILE THE PERSON IS ON BOARD A STATE PUBLIC TRANSIT SERVICE OR AT A STATE PUBLIC TRANSIT SERVICE STATION MAY ~~NOT BOARD BE PROHIBITED FROM USING A STATE PUBLIC TRANSIT SERVICE OR ENTER~~ ENTERING A STATE PUBLIC TRANSIT SERVICE STATION FOR: STATION, UNDER GUIDELINES AND SUBJECT TO AN APPEALS PROCESS ESTABLISHED BY THE ADMINISTRATION.

~~(2) THIS SECTION DOES NOT INCREASE THE DUTY OF CARE FOR THE ADMINISTRATION OR ANOTHER STATE AGENCY OR THEIR EMPLOYEES, CONTRACTORS, OR CONTRACTOR'S EMPLOYEES FOR ANY TORT OR OTHER LIABILITY PURPOSES IN CONNECTION WITH ACTIONS BY A PERSON ALLEGED TO HAVE COMMITTED AN ASSAULT ON A PUBLIC TRANSIT OPERATOR OR PASSENGER.~~

~~(1) AT LEAST 30 DAYS, FOR A FIRST ACT OF ASSAULT OR INTENTIONAL ACT CAUSING BODILY INJURY;~~

~~(2) AT LEAST 180 DAYS, FOR A SECOND ACT OF ASSAULT OR INTENTIONAL ACT CAUSING BODILY INJURY; AND~~

~~(3) THE REMAINDER OF THE PERSON'S LIFE;~~

~~(i) FOR A THIRD ACT OF ASSAULT OR INTENTIONAL ACT CAUSING BODILY INJURY; OR~~

~~(ii) FOR ANY ACT OF ASSAULT OR INTENTIONAL ACT CAUSING BODILY INJURY FOR WHICH THE PERSON USED A WEAPON.~~

~~(c) THE SECRETARY OR THE SECRETARY'S DESIGNEE MAY REDUCE OR INCREASE THE PERIOD OF TIME THAT A PERSON WHO VIOLATES SUBSECTION (b) OF THIS SECTION IS PROHIBITED FROM BOARDING A STATE PUBLIC TRANSIT SERVICE OR ENTERING A STATE PUBLIC TRANSIT SERVICE STATION.~~

~~(d) (1) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO PROSECUTION FOR TRESPASSING.~~

~~(2) NOTHING IN THIS SECTION MAY BE CONSTRUED TO LIMIT OR PROHIBIT THE ENFORCEMENT OF ANY OTHER STATE LAW.~~

~~(e) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.~~

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) On or before June 1, 2025, the Maryland Transit Administration, in consultation with the Washington Metropolitan Area Transit Authority, the Joint Safety Committee, and operator union representatives, shall convene a workgroup to create a rider code of conduct and implement a comprehensive internal safety program to strengthen protections for Administration operators and passengers through clear safety protocols, strengthened safety policies, and improved risk mitigation measures.

(b) The workgroup:

(1) shall address consequences for violations in Administration facilities that shall include ridership bans for an assault on a public transit operator or passenger as soon as practicable, the possibility of legal action, and an appeals process;

(2) may not require a criminal conviction as a prerequisite to a ban on public transit service usage; and

(3) shall authorize, under standards set by the workgroup, the use of public transit facilities by a person accused of assault on a public transit operator or passenger, if the assault was directly related to the person's disability and the person is accompanied by a direct support professional or another appropriate caregiver when using public transit facilities.

(c) On or before October 1, 2025, the workgroup shall report its findings and recommendations to the Maryland Transit Administrator and, in accordance with § 2-1257 of the State Government Article, the Senate Finance Committee and the House Environment and Transportation Committee.

(d) After issuing the report under subsection (c) of this section, the workgroup shall continue to assess the effectiveness of the proposed code of conduct and internal safety program and recommend ongoing improvements.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(1) if the Maryland Transit Administration adopts a rider code of conduct and implements a comprehensive internal safety program, with no further action required by the General Assembly, Section 1 of this Act shall be abrogated and of no further force and effect; and

(2) the Maryland Transit Administration shall notify the Department of Legislative Services within 5 days after adoption of the rider code of conduct and implementation of a comprehensive internal safety program as described in Section 2 of this Act.

~~SECTION 2.~~ SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2025.