

Department of Legislative Services  
Maryland General Assembly  
2018 Session

FISCAL AND POLICY NOTE  
Third Reader - Revised

House Bill 312  
Judiciary

(Delegate Davis, *et al.*)

Judicial Proceedings

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Criminal Law – School Bus Driver and Public Transportation Worker –  
Obstructing, Hindering, or Interfering With

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This bill increases the maximum incarceration penalty for obstructing, hindering, or interfering with a school bus driver or public transportation worker who is engaged in the performance of his/her official duties from 90 days to one year.

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Fiscal Summary

**State Effect:** Potential minimal increase in general fund expenditures for incarcerations in Baltimore City. Revenues are not affected.

**Local Effect:** Potential minimal increase in local expenditures for incarcerations in jurisdictions other than Baltimore City. Revenues are not affected.

**Small Business Effect:** None.

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Analysis

**Current Law:** A person may not obstruct, hinder, or interfere with a “school bus driver,” while the school bus driver is engaged in the performance of the school bus driver’s official duties. Violators are guilty of a misdemeanor, punishable by imprisonment for up to 90 days and/or a \$1,000 maximum fine. A “school bus driver” is a driver of a school vehicle, as defined in § 11-154 of the Transportation Article, while employed by or under contract with a local school system.

A person is also prohibited from obstructing, hindering, or interfering with (1) the operation or operator of a transit vehicle or railroad passenger car or (2) a person engaged in official

duties as a station agent, conductor, or station attendant who is employed by the Maryland Transit Administration (MTA), an entity that provides transit service under contract with MTA, a local government agency or public transit authority, a private entity that provides public transit service, or an entity that provides transit service under a transportation compact under Title 10 of the Transportation Article. Violators are guilty of a misdemeanor, punishable by imprisonment for up to 90 days and/or a \$1,000 maximum fine.

**Background:** MTA advises that the agency averages 50 operator assault incidents annually across all transit modes affected by the bill. **Exhibit 1** contains information on operator assaults against MTA employees from calendar 2013 through calendar 2017.

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**Exhibit 1**  
**Assault Incidents Against MTA Transportation Operators**  
**Calendar 2013 – Calendar 2017**

	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>Average</u>
Spit	8	17	13	12	19	14
Struck by Patron/Other	7	4	13	21	14	12
Bus struck by thrown object	3	1	1	5	10	4
Operator struck by thrown object	3	10	8	12	17	10
Sexual Assault	0	1	0	0	0	0
Unknown	32	18	0	0	0	10
<b>Total</b>	<b>53</b>	<b>51</b>	<b>35</b>	<b>50</b>	<b>60</b>	<b>50</b>

Source: Maryland Transit Administration

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**Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** cities of Bowie and Takoma Park; Montgomery and Prince George’s counties; Department of Public Safety and Correctional Services; Maryland Department of Transportation; Maryland State Commission on Criminal Sentencing Policy; Department of State Police; Office of the Public Defender; Maryland State’s Attorneys’ Association; Department of Legislative Services

**Fiscal Note History:** First Reader - January 26, 2018  
nb/kdm Third Reader - March 30, 2018  
Revised - Amendment(s) - March 30, 2018

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