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By: **Prince George's County Delegation**  
Introduced and read first time: February 11, 1998  
Assigned to: Judiciary

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 10, 1998

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Prince George's County - Fire Investigators - Powers**  
3 **PG 307-98**

4 FOR the purpose of authorizing certain fire investigators of the Prince George's  
5 County Fire Department to carry a handgun; authorizing certain fire  
6 investigators of the Prince George's County Fire Department to make  
7 warrantless arrests under certain circumstances; altering a certain definition;  
8 and generally relating to the power and authority of fire investigators of the  
9 Prince George's County Fire Department.

10 BY renumbering  
11 Article 27 - Crimes and Punishments  
12 Section 594B(j) through (q), respectively  
13 to be Section 594B(k) through (r), respectively  
14 Annotated Code of Maryland  
15 (1996 Replacement Volume and 1997 Supplement)

16 BY repealing and reenacting, without amendments,  
17 Article 27 - Crimes and Punishments  
18 Section 36B(b)(1) and (c)(1), 36F(a) and (b), and 594B(c) and (e)  
19 Annotated Code of Maryland  
20 (1996 Replacement Volume and 1997 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article 27 - Crimes and Punishments

1 Section 36F(i) and ~~594B(f)~~  
2 Annotated Code of Maryland  
3 (1996 Replacement Volume and 1997 Supplement)

4 BY adding to  
5 Article 27 - Crimes and Punishments  
6 Section 594B(j)  
7 Annotated Code of Maryland  
8 (1996 Replacement Volume and 1997 Supplement)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
10 MARYLAND, That Section(s) 594B(j) through (q), respectively, of Article 27 - Crimes  
11 and Punishments of the Annotated Code of Maryland be renumbered to be Section(s)  
12 594B(k) through (r), respectively.

13 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
14 read as follows:

15 **Article 27 - Crimes and Punishments**

16 36B.

17 (b) Any person who shall wear, carry, or transport any handgun, whether  
18 concealed or open, upon or about his person, and any person who shall wear, carry or  
19 knowingly transport any handgun, whether concealed or open, in any vehicle  
20 traveling upon the public roads, highways, waterways, or airways or upon roads or  
21 parking lots generally used by the public in this State shall be guilty of a  
22 misdemeanor; and it shall be a rebuttable presumption that the person is knowingly  
23 transporting the handgun; and on conviction of the misdemeanor shall be fined or  
24 imprisoned as follows:

25 (1) If the person has not previously been convicted of unlawfully  
26 wearing, carrying or transporting a handgun in violation of this section, or of  
27 unlawfully using a handgun in the commission of a crime in violation of subsection (d)  
28 of this section, or of unlawfully carrying a concealed weapon in violation of § 36 of this  
29 article, or of unlawfully carrying a deadly weapon on public school property in  
30 violation of § 36A of this article, he shall be fined not less than two hundred and fifty  
31 (\$250.00) dollars, nor more than twenty-five hundred (\$2,500.00) dollars, or be  
32 imprisoned in jail or sentenced to the Maryland Division of Correction for a term of  
33 not less than 30 days nor more than three years, or both; provided, however, that if it  
34 shall appear from the evidence that the handgun was worn, carried, or transported on  
35 any public school property in this State, the court shall impose a sentence of  
36 imprisonment of not less than 90 days.

37 (c) (1) Nothing in this section shall prevent the wearing, carrying, or  
38 transporting of a handgun by: (i) law-enforcement personnel of the United States, or  
39 of this State, or of any county or city of this State; (ii) members of the armed forces of  
40 the United States or of the National Guard while on duty or traveling to or from duty;

1 (iii) law-enforcement personnel of some other state or subdivision thereof temporarily  
2 in this State on official business; (iv) any jailer, prison guard, warden, or guard or  
3 keeper at any penal, correctional or detention institution in this State; or (v) sheriffs  
4 and temporary or full-time sheriffs' deputies, as to all of whom this exception shall  
5 apply only when they are on active assignment engaged in law enforcement; provided,  
6 that any such person mentioned in this paragraph is duly authorized at the time and  
7 under the circumstances he is wearing, carrying, or transporting the weapon to wear,  
8 carry, or transport such weapon as part of his official equipment.

9 36F.

10 (a) As used in this subheading, the following words have the meanings  
11 indicated.

12 (b) "Handgun" means any pistol, revolver, or other firearm capable of being  
13 concealed on the person, including a short-barreled shotgun and a short-barreled  
14 rifle as these terms are defined below, except it does not include a shotgun, rifle or  
15 antique firearm as those terms are defined below.

16 (i) "Law enforcement personnel" means:

17 (1) Any full-time member of a police force or other agency of the United  
18 States, a state, a county, a municipality or other political subdivision who is  
19 responsible for the prevention and detection of crime and the enforcement of the laws  
20 of the United States, a state, or of a county or municipality or other political  
21 subdivision of a state; [and]

22 (2) Any part-time member of a police force of a county or municipality  
23 who is certified by the county or municipality as being trained and qualified in the  
24 use of handguns; AND

25 (3) ANY FIRE INVESTIGATOR OF THE PRINCE GEORGE'S COUNTY FIRE  
26 DEPARTMENT WHO:

27 (I) IS CERTIFIED BY PRINCE GEORGE'S COUNTY AS BEING  
28 TRAINED AND QUALIFIED IN THE USE OF HANDGUNS; AND

29 (II) HAS MET THE MINIMUM QUALIFICATIONS AND HAS  
30 SATISFACTORILY COMPLETED THE TRAINING REQUIRED BY THE MARYLAND POLICE  
31 TRAINING COMMISSION.

32 594B.

33 (c) A police officer may arrest a person without a warrant if the officer has  
34 probable cause to believe that a felony has been committed or attempted and that  
35 such person has committed or attempted to commit a felony whether or not in the  
36 officer's presence or view.

37 (e) A police officer may arrest a person without a warrant if the officer has  
38 probable cause to believe:

- 1           (1)     That an offense listed in subsection (f) of this section has been  
2 committed;
- 3           (2)     That the person has committed the offense; and
- 4           (3)     That unless the person is immediately arrested:
- 5                 (i)     The person may not be apprehended;
- 6                 (ii)    The person may cause injury to the person or damage to the  
7 property of one or more other persons; or
- 8                 (iii)   The person may tamper with, dispose of, or destroy evidence.
- 9     (f)     ~~The offenses referred to in subsection (e) of this section are:~~
- 10           (1)     ~~Those offenses specified in the following sections of Article 27, as they~~  
11 ~~may be amended from time to time:~~
- 12                 (i)     ~~Section 8(a) (relating to malicious burning);~~
- 13                 (ii)    ~~SECTION 9 (RELATING TO THREATS OF ARSON);~~
- 14                 (iii)   ~~SECTION 9A (RELATING TO BURNING TRASH CONTAINER);~~
- 15                 (iv)    ~~SECTION 11D (RELATING TO INTERFERENCE, OBSTRUCTION, OR~~  
16 ~~FALSE REPRESENTATION);~~
- 17                 [(ii)]   (V)     ~~Section 36 (relating to carrying or wearing weapon);~~
- 18                 [(iii)]   (VI)    ~~Section 111 (relating to destroying, injuring, etc., property~~  
19 ~~of another);~~
- 20                 [(iv)]   (VII)   ~~Section 156 (relating to giving a false alarm of a fire);~~
- 21                 [(v)]    (VIII)   ~~Section 287 (relating to possession of hypodermic~~  
22 ~~syringes, etc., restricted);~~
- 23                 [(vi)]    (IX)     ~~Sections 342 through 344 (theft) where the value of the~~  
24 ~~property stolen was less than \$300;~~
- 25                 [(vii)]   (X)     ~~Sections 276 through 302 (relating to drugs and other~~  
26 ~~dangerous substances) as they shall be amended from time to time;~~
- 27                 [(viii)]   (XI)    ~~Section 36B (relating to handguns);~~
- 28                 [(ix)]    (XII)   ~~Section 388 (relating to manslaughter by automobile,~~  
29 ~~etc.); [and]~~
- 30                 [(x)]     (XIII)   ~~Section 335A (relating to indecent exposure); AND~~

1                   ~~(XIV) SECTION 470A(B)(4) (RELATING TO DEFACING, DAMAGING, OR~~  
 2 ~~DESTROYING PROPERTY OF ANOTHER).~~

3                   (2)     Attempts to commit the offenses specified in the following sections of  
 4 Article 27 as they may be amended from time to time:

5                   (i)     Section 8(a) ~~(relating to malicious burning);~~

6                   (ii)    Section 111 ~~(relating to destroying, injuring, etc., property of~~  
 7 ~~another);~~

8                   (iii)   Sections 342 through 344 (theft) where the value of the property  
 9 ~~stolen was less than \$300;~~

10                  (iv)    Section 33A ~~(relating to breaking into a building or boat with~~  
 11 ~~intent to steal); AND~~

12                  (v)     Sections 276 through 302 ~~(relating to drugs and other~~  
 13 ~~dangerous substances), as they shall be amended from time to time.~~

14           (J)     (1)     THE FIRE INVESTIGATORS OF THE PRINCE GEORGE'S COUNTY FIRE  
 15 DEPARTMENT HAVE THE SAME POWERS OF ARREST SET FORTH IN SUBSECTION (C)  
 16 OF THIS SECTION AS TO OFFENSES LISTED UNDER:

17                   (I)     §§ 6, 7, 139C, 151A, AND 151C, ~~AND 410~~ OF THIS ARTICLE, AND  
 18 ATTEMPTS, CONSPIRACIES, AND SOLICITATIONS TO COMMIT THESE OFFENSES; AND

19                   (II)    ARTICLE 38A, §§ 27A AND 31 OF THE CODE.

20           (2)     THE FIRE INVESTIGATORS OF THE PRINCE GEORGE'S COUNTY FIRE  
 21 DEPARTMENT HAVE THE SAME POWERS OF ARREST SET FORTH IN SUBSECTION (E)  
 22 OF THIS SECTION AS TO THE OFFENSES:

23                   (I)     LISTED UNDER §§ 8(A), 9, 9A, 11D, 12A-2, 151, 156, 156B, AND  
 24 470A(B)(4) OF THIS ARTICLE;

25                   (II)    LISTED UNDER § 5-704 OF THE NATURAL RESOURCES ARTICLE;

26                   (III)   LISTED UNDER ARTICLE 38A, §§ 16, 17, 27, AND 31A OF THE CODE;  
 27 AND

28                   (IV)    ~~OF~~

29                   (IV)    OF ATTEMPTING, CAUSING, AIDING, COUNSELING, OR  
 30 PROCURING ARSON IN THE FIRST OR SECOND DEGREE OR MALICIOUS BURNING IN  
 31 THE FIRST OR SECOND DEGREE A VIOLATION OF §§ 6, 7, OR 8A OF THIS ARTICLE.

32     SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 33 June 1, 1998.

