

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 1343
Judiciary

(Howard County Delegation)

Education, Health, and Environmental Affairs

Howard County - Fire and Explosive Investigator - Authority
Ho. Co. 24-17

This bill expands the authority of a fire and explosive investigator in Howard County.

Fiscal Summary

State Effect: The Maryland Police Training and Standards Commission (MPTSC) can certify Howard County fire and explosive investigators as police officers with existing budgeted resources.

Local Effect: Howard County can implement the bill's changes with existing resources.

Small Business Effect: None.

Analysis

Bill Summary: The bill defines a Howard County "fire and explosive investigator" as an individual who (1) is assigned full-time to the Fire Investigations Division of the Howard County Fire Marshal's Office and is a paid employee; (2) has been employed by the Howard County Fire Department as a firefighter for at least five years; (3) has successfully completed a training program from a police training school approved by MPTSC; and (4) at all times maintains active certification by MPTSC. The bill also:

- includes a fire and explosive investigator in Howard County in the definition of "law enforcement official" under provisions authorizing the carrying of a handgun by law enforcement personnel;

- provides that such an investigator has the same authority as the State Fire Marshal and assistants, including the authority to make a warrantless arrest, while operating in or outside of the county under specified circumstances;
- provides that the Howard County Fire Chief may limit, in writing, the authority granted to an investigator under the bill;
- excludes a Howard County fire and explosive investigator from the definition of “law enforcement officer” under provisions relating to the Law Enforcement Officers’ Bill of Rights;
- includes a Howard County fire and explosive investigator in the definition of “police officer” under provisions relating to MPTSC; and
- requires MPTSC, on October 1, 2017, to certify Howard County fire and explosive investigators who meet the requirements outlined in the bill as police officers.

Current Law: Fire and explosive investigators in the cities of Annapolis and Hagerstown and in Anne Arundel, Montgomery, Prince George’s, and Worcester counties are classified as “law enforcement officials” and currently have the same authority as the State Fire Marshal and assistants, including the authority to make a warrantless arrest under certain circumstances. A fire and explosive investigator must have successfully completed a training program from a police training school approved by the Police Training Commission (now known as MPTSC). The authority of the fire and explosive investigator in each jurisdiction can be limited through written policy by the fire chief.

The State Fire Marshal and full-time investigative and inspection assistants employed by that office may make warrantless arrests if the investigator has probable cause to believe that, unless the person who committed a certain crime is immediately apprehended, the person (1) may not be apprehended; (2) may cause physical injury or property damage to another; or (3) may tamper with, dispose of, or destroy evidence. Covered crimes include crimes relating to arson, explosives, false alarms, or interference with fire and safety personnel.

With certain exceptions, a person may not be taken into custody unless a valid warrant has been issued for that person’s arrest. District Court judges, circuit court judges, and District Court commissioners may issue arrest warrants, which are served by authorized law enforcement officers.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Howard County; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - March 7, 2017
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