

Department of Legislative Services  
Maryland General Assembly  
2018 Session

FISCAL AND POLICY NOTE  
Enrolled - Revised

House Bill 460  
Judiciary

(Delegate Moon, *et al.*)

Judicial Proceedings

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Montgomery County - Fire and Explosive Investigator - Definition

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This bill alters the definition of “Montgomery County fire and explosive investigator” to specify that a Montgomery County fire and explosive investigator is an individual who is assigned full time to the Fire and Explosive Investigations Unit of the Montgomery County Fire and Rescue Service, rather than the Montgomery County Fire Marshal’s Office.

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Fiscal Summary

**State Effect:** None.

**Local Effect:** None. The change is technical in nature and does not directly affect governmental finances.

**Small Business Effect:** None.

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Analysis

**Current Law:** “Montgomery County fire and explosive investigator” means an individual who:

- is assigned full time to the Fire and Explosive Investigations Section of the Montgomery County Fire Marshal’s Office and is a paid employee;
- has been employed by the Montgomery County Fire and Rescue Service as a firefighter/rescuer for at least five years;
- has successfully completed a training program from a police training school approved by the Police Training Commission (now known as the Maryland Police Training and Standards Commission (MPTSC)); and
- at all times maintains active certification by the Police Training Commission.

Fire and explosive investigators in Montgomery County are classified as “law enforcement officials” and have the same authority as the State Fire Marshal and assistants, including the authority to make a warrantless arrest under certain circumstances. The authority of the fire and explosive investigator 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.

**Background:** Montgomery County Bill 29-16 transferred the Fire Marshal’s Office to the Department of Permitting Services; however, the Fire and Explosive Investigations Unit was retained within the Montgomery County Fire and Rescue Service.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 1037 (Senator Smith) - Education, Health, and Environmental Affairs.

**Information Source(s):** Montgomery County; Department of Public Safety and Correctional Services; Department of Legislative Services

**Fiscal Note History:** First Reader - February 8, 2018  
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