



OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY

January 30, 2024

The Honorable Luke Clippinger, Chairman  
House Judiciary Committee  
6 Bladen Street, House Office Building  
Annapolis, MD 21401

RE: Support of HB321 Criminal Law – Crimes of Arson- Prohibitions and Penalties

Dear Chairman Clippinger and Members of the Judiciary Committee:

I am writing to express my support for HB321 Criminal Law - Crimes of Arson-Prohibitions and Penalties. Simply put, this bill will bolster our ability to hold those accountable when an arson or malicious burning results in injury or loss of life of firefighters. Currently, prosecutors have limited ability to hold accountable those who commit an intentional burning which results in serious injury or loss of life of firefighters. We need look no further than a recent tragedy which occurred on January 24, 2022, here in Baltimore City, in which three members of the Baltimore City Fire Department ("BCFD") were killed while fighting a blaze started in a vacant property.

Present day, Baltimore City suffers from an increasing arson/incendiary fire problem which is compounded by the high number of vacant structures. Vacant buildings burn in Baltimore City at twice the national average with many of the buildings subject to repeated fires. The Baltimore Sun reports that, between 2017 and 2022, there were ninety-five reported instances of repeat fires in vacant buildings with some addresses logging as many as four different fires. The number of these instances is likely higher due to reporting issues. Inconsistent data collection methods lead to underreporting or misclassification of fires that are marked as "trash" or left as "undetermined". It is believed that most fires in vacant buildings are intentionally set, thereby possibly classifying as an arson or malicious burning, as these buildings have no operating systems to fail and acts of nature are readily ruled out.

When a fire is started in a vacant, or other structure, injury and/or death often follow. However, the current mechanism to hold those accountable for intentionally setting fires that result in the serious injury or death of firefighters is woefully insufficient. This is due to the courts applying a specific intent element requirement to causing serious injury or death of a firefighter. HB321 would change this. Implementation of HB321 would result in expansion of charging ability thereby eliminating the specific intent requirement as it pertains to injury and/or death of firefighters. As well, HB321 would enhance penalties



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for those who act with such depravity so as to set fire to structures thereby recklessly endangering the lives of our first responding firefighters.

We support this piece of legislation and look forward to continuing conversation on this important topic. We thank you for your consideration as Chairman of the House Judiciary Committee, Delegate Attar for sponsoring this important piece of legislation, and to the Committee for considering the advancement of House Bill 321 this legislative session.

Sincerely,

*Ivan J. Bates*

Ivan J. Bates  
State's Attorney for Baltimore City

By: Hassan Giordano  
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