State of Maryland
Department of State Police

Government Affairs Unit
Annapolis Office (410) 260-6100

POSITION ON PROPOSED LEGISLATION

DATE: **January 30, 2025**

BILL NUMBER: **Senate Bill 334** **POSITION: Support**

BILL TITLE: **Criminal Law – Crimes of Malicious or Fraudulent Burning – Prohibitions and Penalties**

REVIEW AND ANALYSIS

This legislation seeks to prohibits a person from committing the crime of malicious or fraudulent burning that results in the death of or serious physical injury to a firefighter. Establishing that a person who violates the Act is guilty of a felony and on conviction is subject to imprisonment not to exceed 10 years.

Under current law, a person may not with malicious intent, set fire to or burn a building occupied or unoccupied, or burn property of any kind belonging to another person. The current law applies to personal property.

Senate Bill 334 aims to address a critical gap in the criminal law as it relates to arson and malicious burning. Currently, if a firefighter is killed or injured fighting a fire that was intentionally set, while there is the charge of arson or malicious burning, the charges do not provide a legal avenue for seeking an enhanced penalty to account for the injury or death of the firefighter. Existing charges like assault and reckless endangerment fail to adequately cover these situations, as demonstrated by instances where motions for judgment of acquittal were granted in cases of reckless endangerment involving a firefighter (first responder). In these cases, the court found that the charge did not align with the legislative intent, leaving the state without any means to pursue justice for the injured or deceased victim.

In 2022, the Maryland State Commission on Criminal Sentencing Policy reclassified Arson 1, citing the significant risk of harm to both residents and firefighters (first responders) as a rationale for the change. Between 2013 and 2022, data from the ATF Bomb Arson Tracking System recorded 35 firefighter (first responders) injuries during the suppression of arson fires in Maryland. Since the failure of this bill to pass last year, two more firefighter (first responder) injuries have occurred in arson cases currently under prosecution in Howard County.

Importantly, this legislation does not lessen the burden of proof or alter the elements the state must demonstrate. However, it does seek to establish a legal process through which Maryland prosecutors can pursue justice for injured firefighters (first responders) who would not have been harmed had it not been for the criminal actions of the arsonist. It simply creates a mechanism to ensure that prosecutors can seek justice for these brave individuals who risk their lives to protect our communities.

For these reasons, the Maryland Department of State Police urges the Committee to give Senate Bill 334 a favorable report.