

letter of support - IAAI MD.pdf

Uploaded by: Colin Campbell

Position: FAV



Aaron Tyler
President
Maryland Fire and Explosive Investigator's Association
P.O. Box 457
Finksburg, Maryland 21048

January 27, 2025

The Honorable Members of the Maryland General Assembly
Legislative Services Building
90 State Circle
Annapolis, Maryland 21401.

Dear Members of the Maryland General Assembly:

On behalf of the Maryland Fire and Explosive Investigator's Association, I am writing to express our strong support for the proposed legislation of Senate Bill 334 a bill entitled an act concerning **Criminal Law – Crimes of Malicious or Fraudulent Burning – Prohibitions and Penalties**. This legislation is a critical step toward protecting Maryland's firefighters and holding accountable those whose malicious actions endanger their lives.

Firefighters risk their lives daily to protect our communities. This legislation addresses crimes of malicious or fraudulent burning that result in the death or serious injury of a firefighter. By establishing this as a felony offense, punishable by up to 10 years' imprisonment, it appropriately reflects the seriousness of these crimes and acts as a deterrent.

Our association, comprised of fire and arson investigators, has witnessed the devastating consequences of such actions. Many of our members are directly involved in investigating these crimes, bringing their expertise to uncover the truth and seek justice for affected firefighters and their families. Beyond the immediate destruction, the toll on firefighters and their families is immeasurable. This legislation underscores Maryland's commitment to safeguarding its first responders and ensures offenders face serious consequences.

We commend the provision allowing sentences under this section to be imposed separately or concurrently with related offenses, ensuring full accountability for significant harm caused.

The Maryland Fire and Explosive Investigator's Association urges the General Assembly to pass this legislation promptly to enhance protections for firefighters and deter future crimes. We stand ready to support this critical effort in any way necessary.

Thank you for your attention to this matter. Please contact me for further information or to discuss this issue in more detail.

Respectfully,



Aaron Tyler

President

Maryland Fire and Explosive Investigator's Association

SB334 Testimony.pdf
Uploaded by: Colin Campbell
Position: FAV

Richard H. Gibson, Jr.
State's Attorney

Joshua J. Felsen
Deputy

Christopher A. Sandmann
Deputy



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Victim Witness
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Juvenile Division
(410) 313-2142

Diversion Program\
Mental Health
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Office of the State's Attorney for Howard County

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Good Afternoon,

I'm Colin Campbell, an Assistant State's Attorney with Howard County. I'm here to express strong support for SB 0334 and extend my gratitude to Vice Chair Waldstreicher & Chair Smith for sponsoring this crucial bill.

As an ASA since 2018, I've prosecuted criminal cases including arson. I've been a volunteer firefighter at the Providence Volunteer Fire Company in Baltimore County for over 15 years and have completed the Maryland Fire and Rescue Institute's Fire Investigator course, bringing a unique perspective to the table.

I've personally prosecuted cases of Malicious Burning and Arson that have resulted in injury to Howard County Firefighters and Investigators. Further, I have had the defendant's motion for judgment of acquittal granted for reckless endangerment of a named firefighter where the bench found that was not the legislative intent of that charge. Ultimately leaving the State without any means of seeking justice for an injured victim.

The reclassification of Arson 1 in 2022 by the Maryland State Commission on Criminal Sentencing Policy noted the substantial risk of harm posed to both dwelling inhabitants and first responders.ⁱ At least 22 other states include firefighter injury in their arson and malicious burning statutes or provide for an enhanced penalty where a firefighter injury occurs. In the Fourth Circuit alone, three other states include firefighter injury in their arson and malicious burning statutes or sentencing structure.

Along with providing justice for injured firefighters, this legislation acts as a further deterrent toward eliminating the use of fire-setting for criminal goals. However, this legislation would still require the State to first prove a malicious burning occurred and does not impact the elements or evidentiary standard of the arson-related criminal charges.

In conclusion, I appreciate your time and attention to this matter. I am here to seek a favorable report from the committee on SB 0334, which will contribute to ensuring the safety and well-being of our firefighters. Thank you.

Thank you,

Colin Campbell
Assistant State's Attorney

ⁱ *Offense Type Reclassification for Arson, 1st Degree*, Guidelines E-News Vol. 17, No. 3 (Md. ST. COMMISSION ON CRIM. SENT'G POL'Y), Oct. 2022, at 1, <https://msccsp.org/news/>.

Senate Bill 334 (2025) PFFMD Testimony - J. Buddle

Uploaded by: Jeffrey Buddle

Position: FAV



January 30, 2025

William C. Smith Jr., Chair
Senate Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, Maryland 21401

Position: FAVORABLE

Re: SB334 – Criminal Law – Crimes of Malicious or Fraudulent Burning - Prohibitions & Penalties

The Professional Fire Fighters of Maryland represents more than 10,000 active and retired professional fire fighters and emergency medical services personnel who proudly serve the citizens of the State of Maryland.

Fire fighters put their lives on the line every day protecting lives and property throughout our State. We fully support Senate Bill 334 which would add criminal penalties for crimes of fraudulent or malicious burning resulting in the serious injury or death of a fire fighter.

It is important to note that the crimes identified in this bill are criminal acts that are committed by a person willfully and maliciously. If, as a result, a fire fighter is seriously injured or killed there should be an additional criminal charge for such unlawful conduct.

This bill also allows for judicial discretion in the sentencing of a person found guilty where a judge determines the length of the sentence up to 10 years as well the ability to run the sentence concurrent with or consecutive to the underlying criminal conviction.

On behalf of the members of Professional Fire Fighters of Maryland, we strongly urge the committee to issue a favorable report on Senate Bill 334.

Submitted respectfully,

Jeffrey Buddle, President
Professional Fire Fighters of Maryland

The membership of the Professional Fire Fighters of Maryland includes 25 IAFF local affiliates from the following jurisdictions:

Federal: Aberdeen Proving Grounds, Fort George G. Meade, National Capital Federal Fire Fighters

State: Baltimore / Washington International Airport

Local: Annapolis City, Allegany County, Anne Arundel County, Baltimore City (2 affiliates), Baltimore County, Carroll County, Cecil County, Charles County, Cumberland City, Frederick County, Garrett County, Hagerstown, Howard County, Montgomery County, Ocean City, Prince Georges County, Queen Annes County, Salisbury, Talbot County, Worchester County

Ltr to Chair Smith Sen JP 01.28.25.pdf

Uploaded by: Joshua Fannon

Position: FAV

January 28, 2025

Maryland Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, Maryland 21401
ATTN: Chair William C. Smith, Jr. and Vice Chair Jeff Waldstreicher
SENT VIA EMAIL

RE: Recommending a Favorable Report on SB334

Chair Smith and Honorable Members of the Senate Judicial Proceedings Committee,

I am writing to express my strong support for Senate Bill 334, which seeks to enhance protections for firefighters by criminalizing malicious or fraudulent burning that results in the death or serious physical injury of a firefighter.

Firefighters put their lives on the line every day to protect our communities. This legislation provides a critical safeguard by establishing felony penalties for actions that endanger these public servants. By imposing strict consequences, including up to 10 years of imprisonment, the bill sends a clear message that malicious acts causing harm to firefighters through perpetration of this violent crime will not be tolerated.

This is a vital step to deter harmful behavior and to honor the sacrifices made by firefighters who risk their safety and their very lives to protect the citizens of the communities they serve. I urge your support for this legislation to ensure their wellbeing and reinforce our commitment to their protection.

Thank you for considering this important matter and I strongly encourage the Committee to return a favorable report.

Respectfully submitted,



Joshua L. Fannon, President
IAFF Local 964 Baltimore Fire Officers

CC: Mr. Jeffrey Buddle, President, Professional Fire Fighters of Maryland

Letter for SB334.pdf

Uploaded by: Mike McKay

Position: FAV

MIKE MCKAY
Legislative District 1
Garrett, Allegany, and Washington Counties



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

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Judicial Proceedings Committee
Executive Nominations Committee

Joint Committees

Administrative, Executive,
and Legislative Review
Children, Youth, and Families
Program Open Space and Agricultural
Land Preservation

January 24, 2025

RE: Fire/EMS Coalition Support for SB334

Dear Chairman Smith, Vice Chairman Waldstreicher, and Members of the Committee,

The Fire/EMS Coalition would like to express their support for Senate Bill 334:

Criminal Law – Crimes of Malicious or Fraudulent Burning – Prohibitions and Penalties. The bill will establish that a person who intentionally commits an act of arson that injures a firefighter during the response to the fire or efforts to suppress the fire will be guilty of committing a felony and will face a sentence of imprisonment not exceeding 10 years. A sentence imposed upon individuals for the injury of a firefighter in response to an arsonist fire will be separate and consecutive to any imposed sentence for any crime based upon violation of the law.

The Fire/EMS Coalition supports Senate Bill 435 as it will be beneficial to all public safety volunteers in Maryland as this bill would help to reduce arsonist-related fires as well as ensure justice for firefighters affected by arson crime. The Coalition supports this bill for justice for firefighters and their families.

Sincerely,

A handwritten signature in black ink that reads "Mike McKay".

Senator Mike McKay
Representing the Appalachia Region of Maryland
Serving Garrett, Allegany, and Washington Counties

Voting Organizations:

Maryland Fire Chief's Association (MFCA)
Maryland State Firefighter's Association (MSFA)
State Fire Marshal (OSFM)
Maryland Fire Rescue Institute (MFRI)
Maryland Institute for Emergency Medical Services System (MIEMMS)
Metro Fire Chief's Association

Professional Firefighters of Maryland

Our Mission Statement

The Maryland Fire/EMS Coalition unites Republicans and Democrats in support of fire/emergency services legislation that benefit all first responders. Becoming a member does not require taking positions on legislation; rather Coalition members are asked to offer support in a way that best benefits fire/emergency services in their respective Legislative Districts.

Maryland State Police Position Paper SB0334.pdf

Uploaded by: Owen Traynor

Position: FAV

SB 0334-HoCoState'sAttorney_Favorable-Criminal Law

Uploaded by: Rich Gibson

Position: FAV



SENATE BILL 0334

Criminal Law- Crimes of Malicious or Fraudulent Burning – Prohibitions and Penalties

RICH GIBSON, HOWARD COUNTY STATE'S ATTORNEY

POSITION: FAVORABLE

January 24, 2025

My name is Rich Gibson, State's Attorney for Howard County, and President of the Maryland State's Attorneys' Association. I have been a prosecutor for approximately 20 years, and I am writing today to offer my strongest support for SB 0334.

This bill seeks to remedy a significant gap in our legal system. No one would argue that the profession of firefighting is inherently dangerous. Firefighters bravely and willingly place themselves in harm's way to protect the lives and property of others. When someone decides to maliciously or fraudulently set fire to the property of another individual it is foreseeable that emergency services will respond to extinguish that fire. But for that criminal choice and actions those brave firefighters would not be exposed to potentially life-threatening hazards. However, there is currently no mechanism by which to seek justice for a firefighter injured or killed in the line of duty due to an intentionally set fire.

From 2013 to 2022, ATF Bomb Arson Tracking System data reveals 35 reported injuries to firefighters during the suppression of fires classified as arsons in Maryland. In the past three years, there have been five arson cases in Howard County resulting in firefighter injury. Unfortunately, the crimes of Assault and Reckless Endangerment do not adequately encompass these scenarios and thereby leaves the State without any meaningful avenue to seek justice for an injured victim.

This bill seeks to create that mechanism, allowing Maryland's prosecutors to seek justice for our injured victims who would not have been harmed but for the need to respond due to the criminal actions of the arsonist. By holding arsonists accountable for the injuries, they cause, the State can provide accountability, justice, and protection to the victims and their families while ensuring arsonists face appropriate consequences.

In conclusion, on behalf of myself, the Howard County community, and the prosecutors of the state of Maryland, I seek a favorable report from the committee on SB 0334. Thank you.

SB334 testimony.pdf

Uploaded by: Robert Phillips

Position: FAV

MARYLAND STATE FIREFIGHTERS ASSOCIATION

*Representing the Volunteer Fire, Rescue and Emergency Medical Services Personnel
-a 501(c)3 Organization*



Legislative Committee

17 State Circle
Annapolis MD, 21401
Chair: Robert Phillips
Email: rfcchief48@gmail.com
Cell: 443-205-5030
Office: 410-974-2222

SB 334: Criminal Law – Crimes of Malicious or Fraudulent Burning – Prohibitions and Penalties

My name is Chief Robert Phillips, and I am the Legislative Committee Chair for the Maryland State Firefighters Association (MSFA)

I wish to present testimony in favor of **Senate Bill 334: Criminal Law – Crimes of Malicious or Fraudulent Burning – Prohibitions and Penalties**

The MSFA is in full support of SB334. Every time the emergency alarm goes off many first responders put their lives on the line for others. There are dangers always present no matter the type of call. When the call is for a fire the possibility and level of danger goes up. When the cause of the fire is ARSON, then we are putting lives in danger for a fire that did not have to happen except for someones miss-guided beliefs and actions.

We feel that this law may cause someone thinking about ARSON and setting fires for whatever reason to pause and consider the consequences of their actions before setting a fire.

Existing law covers the victims of ARSON as victims, but the same is not said for the Fire/EMS personnel who respond to protect and save the victims.

The MSFA asks that you return a FAVORABLE vote on SB334

Thank you and I would be glad to answer any questions you might have.

Respectfully:

Robert Phillips

SB0334 - Criminal Law – Crimes of Malicious or Fra

Uploaded by: Jeremy Zacker

Position: UNF



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
ACTING DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: SB0334 - Criminal Law – Crimes of Malicious or Fraudulent Burning – Prohibitions and Penalties

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: January 28, 2025

The Maryland Office of the Public Defender respectfully submits this testimony and asks for an unfavorable report from the committee.

A malicious burning is one where a person willfully and with malice burns the property of another. Md. Crim. Law §§ 6–104, –105. It is a misdemeanor subject to 18 months imprisonment if the property is valued at less than \$1,000. For property over \$1,000 dollars, the penalty rises to a felony subject to up to 5 years of imprisonment. The malicious burning statute is broader than our arson statutes because malicious burning punishes intentional burning of any property, not just permanent structures. The penalties for malicious burning are severe and proportional to the intended act. Perpetrators of malicious burning are also subject to civil suits, thus further holding them accountable while compensating those injured.

Similarly, the fraudulent burning statute punishes similar behavior where the perpetrator also has the intent to defraud. Md. Crim. Law § 6–106.

Senate Bill 0334 seeks to add additional severe penalties for acts of malicious or fraudulent burning if it results in death or serious bodily injury to a firefighter. Senate Bill 0334 is unnecessary to address the harm cause and may punish unintended and relatively minor injuries.

Senate Bill 0334 fails to define the term ‘firefighter.’ Thus, the statute could be interpreted to include anyone who attempt to intervene including an untrained citizen who negligently intervenes, or even a bystander who calls 911.

Senate Bill 0334 applies to ‘serious bodily injury.’ Serious bodily injury includes disfigurement which “is generally regarded as an externally visible blemish or scar that impairs one’s appearance.” *Scott v. State*, 61 Md. App. 599, 608 (1985). Thus, a small visible burn could trigger the severe penalties of Senate Bill 0334.

Senate Bill 0334 is duplicative of existing Maryland law. Involuntary manslaughter is applicable to criminal acts resulting in death of another, even if unintended. The crime of Reckless Endangerment applies to lesser injuries.

“Maryland has an incarceration rate of 475 per 100,000 people (including prisons, jails, immigration detention, and juvenile justice facilities), meaning that it locks up a higher percentage of its people than almost any democratic country on earth.” *Maryland Profile*, PRISON POLICY INITIATIVE, <https://www.prisonpolicy.org/profiles/MD.html>. Senate Bill 0334 is merely another permutation and combination of factors to create yet another incarcerable felony in a state that already overincarcerate its citizens.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on SB 0334.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

Authored by: Jeremy Zacker, Assistant Public Defender.