
By: **Prince George's County Delegation**
Introduced and read first time: February 11, 1998
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Fire Investigators - Powers**
3 **PG 307-98**

4 FOR the purpose of authorizing certain fire investigators of the Prince George's
5 County Fire Department to carry a handgun; authorizing certain fire
6 investigators of the Prince George's County Fire Department to make
7 warrantless arrests under certain circumstances; altering a certain definition;
8 and generally relating to the power and authority of fire investigators of the
9 Prince George's County Fire Department.

10 BY renumbering
11 Article 27 - Crimes and Punishments
12 Section 594B(j) through (q), respectively
13 to be Section 594B(k) through (r), respectively
14 Annotated Code of Maryland
15 (1996 Replacement Volume and 1997 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article 27 - Crimes and Punishments
18 Section 36B(b)(1) and (c)(1), 36F(a) and (b), and 594B(c) and (e)
19 Annotated Code of Maryland
20 (1996 Replacement Volume and 1997 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article 27 - Crimes and Punishments
23 Section 36F(i) and 594B(f)
24 Annotated Code of Maryland
25 (1996 Replacement Volume and 1997 Supplement)

26 BY adding to
27 Article 27 - Crimes and Punishments
28 Section 594B(j)

1 Annotated Code of Maryland
2 (1996 Replacement Volume and 1997 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That Section(s) 594B(j) through (q), respectively, of Article 27 - Crimes
5 and Punishments of the Annotated Code of Maryland be renumbered to be Section(s)
6 594B(k) through (r), respectively.

7 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
8 read as follows:

9 **Article 27 - Crimes and Punishments**

10 36B.

11 (b) Any person who shall wear, carry, or transport any handgun, whether
12 concealed or open, upon or about his person, and any person who shall wear, carry or
13 knowingly transport any handgun, whether concealed or open, in any vehicle
14 traveling upon the public roads, highways, waterways, or airways or upon roads or
15 parking lots generally used by the public in this State shall be guilty of a
16 misdemeanor; and it shall be a rebuttable presumption that the person is knowingly
17 transporting the handgun; and on conviction of the misdemeanor shall be fined or
18 imprisoned as follows:

19 (1) If the person has not previously been convicted of unlawfully
20 wearing, carrying or transporting a handgun in violation of this section, or of
21 unlawfully using a handgun in the commission of a crime in violation of subsection (d)
22 of this section, or of unlawfully carrying a concealed weapon in violation of § 36 of this
23 article, or of unlawfully carrying a deadly weapon on public school property in
24 violation of § 36A of this article, he shall be fined not less than two hundred and fifty
25 (\$250.00) dollars, nor more than twenty-five hundred (\$2,500.00) dollars, or be
26 imprisoned in jail or sentenced to the Maryland Division of Correction for a term of
27 not less than 30 days nor more than three years, or both; provided, however, that if it
28 shall appear from the evidence that the handgun was worn, carried, or transported on
29 any public school property in this State, the court shall impose a sentence of
30 imprisonment of not less than 90 days.

31 (c) (1) Nothing in this section shall prevent the wearing, carrying, or
32 transporting of a handgun by: (i) law-enforcement personnel of the United States, or
33 of this State, or of any county or city of this State; (ii) members of the armed forces of
34 the United States or of the National Guard while on duty or traveling to or from duty;
35 (iii) law-enforcement personnel of some other state or subdivision thereof temporarily
36 in this State on official business; (iv) any jailer, prison guard, warden, or guard or
37 keeper at any penal, correctional or detention institution in this State; or (v) sheriffs
38 and temporary or full-time sheriffs' deputies, as to all of whom this exception shall
39 apply only when they are on active assignment engaged in law enforcement; provided,
40 that any such person mentioned in this paragraph is duly authorized at the time and
41 under the circumstances he is wearing, carrying, or transporting the weapon to wear,
42 carry, or transport such weapon as part of his official equipment.

1 36F.

2 (a) As used in this subheading, the following words have the meanings
3 indicated.

4 (b) "Handgun" means any pistol, revolver, or other firearm capable of being
5 concealed on the person, including a short-barreled shotgun and a short-barreled
6 rifle as these terms are defined below, except it does not include a shotgun, rifle or
7 antique firearm as those terms are defined below.

8 (i) "Law enforcement personnel" means:

9 (1) Any full-time member of a police force or other agency of the United
10 States, a state, a county, a municipality or other political subdivision who is
11 responsible for the prevention and detection of crime and the enforcement of the laws
12 of the United States, a state, or of a county or municipality or other political
13 subdivision of a state; [and]

14 (2) Any part-time member of a police force of a county or municipality
15 who is certified by the county or municipality as being trained and qualified in the
16 use of handguns; AND

17 (3) ANY FIRE INVESTIGATOR OF THE PRINCE GEORGE'S COUNTY FIRE
18 DEPARTMENT WHO IS CERTIFIED BY PRINCE GEORGE'S COUNTY AS BEING TRAINED
19 AND QUALIFIED IN THE USE OF HANDGUNS.

20 594B.

21 (c) A police officer may arrest a person without a warrant if the officer has
22 probable cause to believe that a felony has been committed or attempted and that
23 such person has committed or attempted to commit a felony whether or not in the
24 officer's presence or view.

25 (e) A police officer may arrest a person without a warrant if the officer has
26 probable cause to believe:

27 (1) That an offense listed in subsection (f) of this section has been
28 committed;

29 (2) That the person has committed the offense; and

30 (3) That unless the person is immediately arrested:

31 (i) The person may not be apprehended;

32 (ii) The person may cause injury to the person or damage to the
33 property of one or more other persons; or

34 (iii) The person may tamper with, dispose of, or destroy evidence.

35 (f) The offenses referred to in subsection (e) of this section are:

1 (1) Those offenses specified in the following sections of Article 27, as they
2 may be amended from time to time:

- 3 (i) Section 8(a) (relating to malicious burning);
- 4 (II) SECTION 9 (RELATING TO THREATS OF ARSON);
- 5 (III) SECTION 9A (RELATING TO BURNING TRASH CONTAINER);
- 6 (IV) SECTION 11D (RELATING TO INTERFERENCE, OBSTRUCTION, OR
7 FALSE REPRESENTATION);
- 8 [(ii)] (V) Section 36 (relating to carrying or wearing weapon);
- 9 [(iii)] (VI) Section 111 (relating to destroying, injuring, etc., property
10 of another);
- 11 [(iv)] (VII) Section 156 (relating to giving a false alarm of a fire);
- 12 [(v)] (VIII) Section 287 (relating to possession of hypodermic
13 syringes, etc., restricted);
- 14 [(vi)] (IX) Sections 342 through 344 (theft) where the value of the
15 property stolen was less than \$300;
- 16 [(vii)] (X) Sections 276 through 302 (relating to drugs and other
17 dangerous substances) as they shall be amended from time to time;
- 18 [(viii)] (XI) Section 36B (relating to handguns);
- 19 [(ix)] (XII) Section 388 (relating to manslaughter by automobile,
20 etc.); [and]
- 21 [(x)] (XIII) Section 335A (relating to indecent exposure); AND
- 22 (XIV) SECTION 470A(B)(4) (RELATING TO DEFACING, DAMAGING, OR
23 DESTROYING PROPERTY OF ANOTHER).

24 (2) Attempts to commit the offenses specified in the following sections of
25 Article 27 as they may be amended from time to time:

- 26 (i) Section 8(a) (relating to malicious burning);
- 27 (ii) Section 111 (relating to destroying, injuring, etc., property of
28 another);
- 29 (iii) Sections 342 through 344 (theft) where the value of the property
30 stolen was less than \$300;
- 31 (iv) Section 33A (relating to breaking into a building or boat with
32 intent to steal); AND

1 (v) Sections 276 through 302 (relating to drugs and other
2 dangerous substances), as they shall be amended from time to time.

3 (J) (1) THE FIRE INVESTIGATORS OF THE PRINCE GEORGE'S COUNTY FIRE
4 DEPARTMENT HAVE THE SAME POWERS OF ARREST SET FORTH IN SUBSECTION (C)
5 OF THIS SECTION AS TO OFFENSES LISTED UNDER §§ 6, 7, 139C, 151A, 151C, AND 410 OF
6 THIS ARTICLE.

7 (2) THE FIRE INVESTIGATORS OF THE PRINCE GEORGE'S COUNTY FIRE
8 DEPARTMENT HAVE THE SAME POWERS OF ARREST SET FORTH IN SUBSECTION (E)
9 OF THIS SECTION AS TO OFFENSES:

10 (I) LISTED UNDER §§ 8(A), 9, 9A, 11D, 156, AND 470A(B)(4) OF THIS
11 ARTICLE; AND

12 (II) OF CAUSING, AIDING, COUNSELING, OR PROCURING ARSON IN
13 THE FIRST OR SECOND DEGREE OR MALICIOUS BURNING IN THE FIRST OR SECOND
14 DEGREE.

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 June 1, 1998.