
By: **Prince George's County Delegation**

Introduced and read first time: February 12, 1999

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Fire Investigators - Powers**
3 **PG 309-99**

4 FOR the purpose of authorizing fire investigators of the Prince George's County Fire
5 Department, under certain circumstances, to make warrantless arrests, conduct
6 investigations, and enforce certain laws without jurisdictional limitations;
7 making certain provisions relating to the Police Training Commission applicable
8 to fire investigators of the Prince George's County Fire Department; making
9 certain corrections; and generally relating to fire investigators of the Prince
10 George's County Fire Department.

11 BY repealing and reenacting, without amendments,
12 Article 27 - Crimes and Punishments
13 Section 594B(a), (b), (c), (d), (e), (f), (k), and (l)
14 Annotated Code of Maryland
15 (1996 Replacement Volume and 1998 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article 27 - Crimes and Punishments
18 Section 594B(g), (i), (j), and (m)
19 Annotated Code of Maryland
20 (1996 Replacement Volume and 1998 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article 41 - Governor - Executive and Administrative Departments
23 Section 4-201(a)
24 Annotated Code of Maryland
25 (1997 Replacement Volume and 1998 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
27 MARYLAND, That the Laws of Maryland read as follows:

1

Article 27 - Crimes and Punishments

2 594B.

3 (a) A police officer may arrest without a warrant any person who commits, or
4 attempts to commit, any felony or misdemeanor in the presence of, or within the view
5 of, such officer.

6 (b) A police officer who has probable cause to believe that a felony or
7 misdemeanor is being committed in the officer's presence or within the officer's view,
8 may arrest without a warrant any person whom the officer may reasonably believe to
9 have committed such offense.

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

14 (d) (1) A police officer may arrest a person without a warrant if:

15 (i) The officer has probable cause to believe that:

16 1. The person battered the person's spouse or other
17 individual with whom the person resides;

18 2. There is evidence of physical injury; and

19 3. Unless the person is immediately arrested:

20 A. The person may not be apprehended;

21 B. The person may cause injury to the person or damage to
22 the property of one or more other persons; or

23 C. The person may tamper with, dispose of, or destroy
24 evidence; and

25 (ii) A report to the police was made within 48 hours of the alleged
26 incident.

27 (2) If the police officer has probable cause to believe that mutual battery
28 occurred and arrest is necessary under this subsection, the officer shall consider
29 whether one of the parties acted in self-defense when making the determination
30 whether to arrest the person whom the officer believes to be the primary aggressor.

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

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

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

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

3 (i) The person may not be apprehended;

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

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

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

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

10 (i) Section 8(a) (relating to malicious burning);

11 (ii) Section 36 (relating to carrying or wearing weapon);

12 (iii) Section 111 (relating to destroying, injuring, etc., property of
13 another);

14 (iv) Section 156 (relating to giving a false alarm of a fire);

15 (v) Section 287 (relating to possession of hypodermic syringes, etc.,
16 restricted);

17 (vi) Sections 342 through 344 (theft) where the value of the property
18 stolen was less than \$300;

19 (vii) Sections 276 through 302 (relating to drugs and other
20 dangerous substances) as they shall be amended from time to time;

21 (viii) Section 36B (relating to handguns);

22 (ix) Section 388 (relating to manslaughter by automobile, etc.); and

23 (x) Section 335A (relating to indecent exposure).

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;

1 (iv) Section 33A (relating to breaking into a building or boat with
2 intent to steal); or

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

5 (g) For purposes of this section, the term "police officer" means any person
6 who, in an official capacity, is authorized by law to make arrests and who is:

7 (1) A member of the Department of State Police;

8 (2) A member of the Baltimore City Police Department;

9 (3) A member of the Baltimore City School Police Force;

10 (4) A member of the police department, bureau, or force of any county;

11 (5) A member of the police department, bureau, or force of any
12 incorporated city or town, except Baltimore City, which is a "qualifying municipality",
13 as defined in § 66(a)(7) and § 69 of Article 88B of this Code;

14 (6) A member of the Mass Transit Administration Police Force, or the
15 Maryland Port Administration Police Force of the Department of Transportation or
16 the Maryland Transportation Authority Police Force;

17 (7) A member of the University of Maryland or Morgan State University
18 Police Force;

19 (8) Appointed, or given the powers of, a special policeman employed and
20 compensated by the State for the enforcement of law and the maintenance of order on
21 property of the State or of any of its agencies, or for the protection of such property,
22 and includes a member of the Department of General Services security force;

23 (9) The sheriff of any county and whose usual duties include the making
24 of arrests;

25 (10) A regularly employed deputy sheriff of any county and who is
26 compensated by the county and whose usual duties include the making of arrests;

27 (11) A member of the Natural Resources Police of the Department of
28 Natural Resources;

29 (12) A member of the Investigative Services Unit of the Comptroller's
30 Office;

31 (13) A member of the Maryland-National Capital Park and Planning
32 Commission Park Police;

33 (14) Housing Authority of Baltimore City Police Force;

34 (15) A member of the Crofton Police Department;

1 (16) A member of the WMATA Metro Transit Police, subject to the
2 jurisdictional limitations under Article XVI, § 76 of the Washington Metropolitan
3 Area Transit Authority Compact, § 10-204 of the Transportation Article; or

4 (17) Subject to subsections (i) and [(l)(7)] (M)(7) of this section, the State
5 Fire Marshal [or], a full-time investigative and inspection assistant of the Office of
6 the State Fire Marshal, OR A FIRE INVESTIGATOR IN THE PRINCE GEORGE'S COUNTY
7 FIRE DEPARTMENT.

8 (i) (1) Except as provided in subsection [(l)(7)] (M)(7) of this section, the
9 State Fire Marshal or a full-time investigative and inspection assistant of the Office
10 of the State Fire Marshal has the powers of arrest set forth in subsection (c) of this
11 section only as to offenses listed under §§ 6, 7, 139C, and 410, of this article, and
12 attempts, conspiracies, and solicitations to commit these offenses.

13 (2) Except as provided in subsection [(l)(7)] (M)(7) of this section, the
14 State Fire Marshal or a full-time investigative and inspection assistant of the Office
15 of the State Fire Marshal has the powers of arrest set forth in subsection (e) of this
16 section only as to offenses listed under §§ 8(a), 9, 9A, 11D, 111B, 151A, 151C, 156, and
17 470A(b)(4) of this article, and attempting, causing, aiding, counseling, or procuring
18 arson in the first or second degree or malicious burning in the first or second degree.

19 (3) Except as provided in subsection [(l)(7)] (M)(7) of this section, the
20 State Fire Marshal [or], a full-time investigative and inspection assistant of the
21 Office of the State Fire Marshal, OR A FIRE INVESTIGATOR IN THE PRINCE GEORGE'S
22 COUNTY FIRE DEPARTMENT does not have the powers of arrest set forth in
23 subsections (a), (b), and (d) of this section.

24 (j) (1) The fire investigators of the Prince George's County Fire Department
25 have the same powers of arrest set forth in subsection (c) of this section as to offenses
26 listed under:

27 (i) §§ 6, 7, 139C, 151A, [and] 151C, AND 410 of this article, and
28 attempts, conspiracies, and solicitations to commit these offenses; and

29 (ii) Article 38A, §§ 27A and 31 of the Code.

30 (2) The fire investigators of the Prince George's County Fire Department
31 have the same powers of arrest set forth in subsection (e) of this section as to the
32 offenses:

33 (i) Listed under §§ 8(a), 9, 9A, 11D, 12A-2, 111B, 151, 156, 156B,
34 and 470A(b)(4) of this article;

35 (ii) Listed under § 5-704 of the Natural Resources Article;

36 (iii) Listed under Article 38A, §§ 16, 17, 27, and 31A of the Code; and

37 (iv) Of attempting, causing, aiding, counseling, or procuring a
38 violation of §§ 6, 7, or 8A of this article.

1 (k) Nothing in this section shall impair any right of arrest otherwise existing
2 under this Code.

3 (l) Nothing in this section deprives a person of the right to receive a citation
4 for a traffic violation as provided in the Maryland Vehicle Law or for a criminal
5 violation, as provided by law or rule of court.

6 (m) (1) (i) In this subsection the following words have the meanings
7 indicated.

8 (ii) "Emergency" means a sudden or unexpected happening or an
9 unforeseen combination of circumstances that calls for immediate action to protect
10 the health, safety, welfare, or property of an individual from actual or threatened
11 harm or from an unlawful act.

12 (iii) "Police officer" does not include a State Police officer.

13 (iv) "State Police officer" means a police employee as defined in
14 Article 88B, § 2 of the Code.

15 (2) (i) Except as provided in subparagraph (ii) of this paragraph and
16 subject to the limitations provided in paragraph (3) of this subsection, and in addition
17 to the powers granted in § 298 of this article, a police officer of this State may make
18 arrests, conduct investigations and otherwise enforce the laws of this State
19 throughout the State without limitations as to jurisdiction.

20 (ii) Under this subsection a police officer may not enforce the
21 provisions of the Maryland Vehicle Law beyond the officer's sworn jurisdiction.

22 (3) A police officer may exercise the powers granted in this subsection if:

23 (i) 1. The police officer is participating in a joint investigation
24 with officials from any other State, federal, or local law enforcement agency at least
25 one of which shall have local jurisdiction;

26 2. The police officer is rendering assistance to a police officer;

27 3. The police officer is acting at the request of a local police
28 officer or a State Police officer; or

29 4. An emergency exists; and

30 (ii) The police officer is acting in accordance with regulations
31 adopted by the police officer's employing agency to implement this subsection.

32 (4) When acting under the authority granted in this subsection, the
33 following notifications of an investigation or enforcement action shall be made:

34 (i) 1. When in an incorporated municipality, to the chief of
35 police, if any, or the chief's designee;

1 (1) "Approved police training school" means a school approved and
2 authorized by the Police Training Commission to offer police training programs as
3 prescribed in this section.

4 (2) "Commission" means the Police Training Commission or officers or
5 employees thereof acting on its behalf.

6 (3) "County" means any county which within its jurisdiction has or will
7 have a law enforcement unit as defined in this section.

8 (4) (i) "Law enforcement unit" means any governmental police force,
9 sheriff's department, security force or law enforcement organization of the State,
10 county, or municipality which has by statute, ordinance, or common law, the authority
11 for enforcing the general criminal laws of this State.

12 (ii) Law enforcement unit does not mean those members of the
13 Maryland National Guard who are under the control and jurisdiction of the Military
14 Department, and who are charged with exercising police powers in and for the
15 military property, designated as the Glenn L. Martin State Airport, to which they are
16 assigned.

17 (5) "Municipality" means any incorporated city of any class which,
18 within its jurisdiction has or will have a law enforcement unit as defined in this
19 section.

20 (6) "Permanent appointment" means the appointment of a person who
21 has satisfactorily met the minimum standards of the Commission and is certified as a
22 police officer.

23 (7) "Police official" means a full-time police officer employed by a
24 governmental agency having administrative responsibility.

25 (8) (i) "Police officer" means a person who has the authority to enforce
26 the general criminal laws of this State and is a member of any of the following law
27 enforcement units:

- 28 1. Department of State Police;
- 29 2. Baltimore City Police Department;
- 30 3. Police department, bureau, or force of a county;
- 31 4. Police department, bureau, or force of an incorporated city
32 or town;
- 33 5. Mass Transit Administration Police Force, the Maryland
34 Port Administration Police Force of the Department of Transportation, or the
35 Maryland Transportation Authority Police Force;

