
By: **Montgomery County Delegation**
Introduced and read first time: February 11, 2003
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County Arson Investigators - Warrantless Arrest Power**
3 **MC 311-03**

4 FOR the purpose of authorizing a Montgomery County arson investigator to make an
5 arrest without a warrant under certain circumstances for the commission of
6 certain felonies and certain other crimes; and generally relating to Montgomery
7 County arson investigators and the power of warrantless arrest.

8 BY repealing and reenacting, with amendments,
9 Article - Criminal Procedure
10 Section 2-209
11 Annotated Code of Maryland
12 (2001 Volume and 2002 Supplement)

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

15 **Article - Criminal Procedure**

16 2-209.

17 (a) (1) A fire investigator of the Prince George's County Fire Department OR
18 A MONTGOMERY COUNTY ARSON INVESTIGATOR may arrest a person without a
19 warrant if the fire investigator OR ARSON INVESTIGATOR has probable cause to
20 believe:

21 (i) a felony that is a crime listed in paragraph (2) of this subsection
22 has been committed or attempted; and

23 (ii) the person to be arrested has committed or attempted to commit
24 the felony whether or not in the presence or within the view of the fire investigator.

25 (2) The powers of arrest set forth in paragraph (1) of this subsection
26 apply only to:

1 (i) the crimes listed in this paragraph and to attempts,
2 conspiracies, and solicitations to commit these crimes:

3 1. a crime that relates to a device that is constructed to
4 represent a destructive device under § 9-505 of the Criminal Law Article;

5 2. setting fire to a dwelling or occupied structure under §
6 6-102 of the Criminal Law Article;

7 3. setting fire to a structure under § 6-103 of the Criminal
8 Law Article;

9 4. making a false statement or rumor as to a destructive
10 device under § 9-504 of the Criminal Law Article; and

11 5. a crime that relates to destructive devices under § 4-503 of
12 the Criminal Law Article; and

13 (ii) a crime that relates to the unlawful possession or sale of
14 explosives under Article 38A, §§ 27A and 31 of the Code.

15 (b) (1) A fire investigator of the Prince George's County Fire Department OR
16 A MONTGOMERY COUNTY ARSON INVESTIGATOR may arrest a person without a
17 warrant if the fire investigator OR ARSON INVESTIGATOR has probable cause to
18 believe:

19 (i) the person has committed a crime listed in paragraph (2) of this
20 subsection; and

21 (ii) unless the person is arrested immediately, the person:

22 1. may not be apprehended;

23 2. may cause physical injury or property damage to another;
24 or

25 3. may tamper with, dispose of, or destroy evidence.

26 (2) The crimes referred to in paragraph (1) of this subsection are:

27 (i) reckless endangerment under § 3-204 of the Criminal Law
28 Article;

29 (ii) malicious burning under § 6-104 or § 6-105 of the Criminal
30 Law Article;

31 (iii) threatening arson under § 6-107 of the Criminal Law Article;

32 (iv) burning the contents of a trash container under § 6-108 of the
33 Criminal Law Article;

1 (v) making a false alarm of fire under § 9-604 of the Criminal Law
2 Article;

3 (vi) making a false statement or report of commission of crime
4 under § 9-503 of the Criminal Law Article;

5 (vii) a crime that relates to burning or attempting to burn property
6 as part of a religious or ethnic crime under § 10-303 or § 10-304 of the Criminal Law
7 Article;

8 (viii) intentionally activating an alarm under § 9-608 of the
9 Criminal Law Article;

10 (ix) a crime that relates to interference, obstruction, or false
11 representation of fire and safety personnel under Article 27, § 11D of the Code;

12 (x) attempting, causing, aiding, or abetting:

13 1. setting fire to a dwelling or occupied structure in violation
14 of § 6-102 of the Criminal Law Article; or

15 2. setting fire to a structure in violation of § 6-103 of the
16 Criminal Law Article;

17 (xi) maliciously or negligently setting fires under § 5-704 of the
18 Natural Resources Article;

19 (xii) unlawful discharge or possession of fireworks under Article
20 38A, §§ 16 and 17 of the Code; and

21 (xiii) unlawful manufacture of or dealing in explosives under Article
22 38A, §§ 27 and 31A of the Code.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
24 effect October 1, 2003.