

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE
Revised

House Bill 900

(Montgomery County Delegation)

Judiciary

Judicial Proceedings

Montgomery County Fire and Explosive Investigators - Warrantless Arrest Power
MC 311-03

This bill extends the warrantless arrest power currently available to Prince George's County fire investigators to Montgomery County fire and explosive investigators.

Fiscal Summary

State Effect: None.

Local Effect: None. The bill is consistent with current practices.

Small Business Effect: None.

Analysis

Bill Summary: "Montgomery County fire and explosive investigator" means a person who:

- is assigned to the Fire and Explosive Investigations Section of the Montgomery County Fire Marshal's office; and
- has the rank of a fire rescue lieutenant or higher; and
- has successfully completed an approved police training school.

This bill authorizes a Montgomery County fire and explosive investigator to make a warrantless arrest if the investigator has probable cause to believe a person has

committed or attempted to commit a felony involving: (1) a destructive device; (2) first or second degree arson; or (3) the unlawful sale or possession of explosives.

A Montgomery County fire and explosive investigator may make a warrantless arrest if the investigator has probable cause to believe that, unless the person who committed a certain crime is immediately apprehended, the person: (1) may not be apprehended; (2) may cause physical injury or property damage to another; or (3) may tamper with, dispose of, or destroy evidence. Covered crimes include:

- reckless endangerment;
- malicious burning;
- threatening arson;
- burning the contents of a trash container;
- making a false fire alarm;
- making a false statement or report of the commission of a crime;
- burning or attempted burning as part of a religious or ethnic hate crime;
- intentionally activating a fire alarm in a nonemergency situation;
- interfering with fire and safety personnel;
- false representation of fire and safety personnel;
- attempting, causing, aiding, or abetting first or second degree arson;
- maliciously or negligently setting fires on land not owned by the perpetrator;
- unlawful discharge or possession of fireworks; and
- unlawful manufacture or dealing in explosives.

Current Law: With certain exceptions, a person may not be taken into custody unless a valid warrant has been issued for that person's arrest. District Court judges, circuit court judges, and District Court commissioners may issue arrest warrants, which are served by authorized law enforcement officers.

The State Fire Marshal and full-time investigative and inspection assistants employed by that office may, by law, make warrantless arrests under the circumstances set forth in the bill, as well as under certain other conditions. Prince George's County fire investigators currently have the authority conferred by the bill on Montgomery County fire and explosive investigators.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Montgomery County, Department of Legislative Services

Fiscal Note History: First Reader - February 24, 2003
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