

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 649

(Chairman, Judiciary Committee)

(By Request – Departmental – State Police)

Judiciary

Judicial Proceedings

Criminal Procedure – State Fire Marshal – Search Warrants

This departmental bill specifies that the State Fire Marshal and full-time investigative and inspection assistants of the Office of the State Fire Marshal (deputy State fire marshals) may apply for and execute criminal search warrants.

Fiscal Summary

State Effect: None. Implementation of the bill would be handled with current resources.

Local Effect: None – see above.

Small Business Effect: The Department of State Police has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Current Law: Police officers may apply for and execute criminal search warrants. The definition of “police officer” does not include the State Fire Marshal or deputy State fire marshals.

Background: The State Fire Marshal’s office has been applying for and executing search warrants for over 20 years. However, when the Criminal Procedure Article was adopted in 2001, the State Fire Marshal and deputy State fire marshals were removed from the listing of police officers who were authorized to apply for and execute warrants.

While a new section was written to clarify their arrest authority, they do not currently have authority to apply for and execute warrants.

All deputy State fire marshals are certified by the Maryland Police Training Commission. Deputy State fire marshals conduct criminal investigations relating to arson and explosives. Over the course of these investigations, it may be necessary to execute search warrants for additional evidence. These warrants may require expert testimony relating to fire and explosions. This technical and scientific knowledge may also be required while searching for evidence of crimes relating to fires and explosives. Deputy State fire marshals have this knowledge as a result of their training and experience.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of State Police, Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - February 12, 2004
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