

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 833 (Senator Stoltzfus)

Judicial Proceedings

Judiciary

Worcester County - Fire and Explosive Investigators - Authority

This bill expands the authority of a full-time fire and explosive investigator in Worcester County.

Fiscal Summary

State Effect: None.

Local Effect: None. The bill codifies current practice in Worcester County.

Small Business Effect: None.

Analysis

Bill Summary: The bill:

- defines a Worcester County fire and explosive investigator;
- includes a fire and explosive investigator in Worcester County in the definition of “law enforcement official” under provisions authorizing the carrying of a handgun by law enforcement personnel;
- provides that such an investigator has the same authority as the State Fire Marshal and assistants, including the authority to make a warrantless arrest, while operating in or outside of the county under certain circumstances;
- provides that the Worcester County Fire Marshal may limit, in writing, the authority granted to an investigator under these provisions;

- excludes a Worcester County fire and explosive investigator from the definition of “law enforcement officer” under provisions relating to the Law Enforcement Officers’ Bill of Rights;
- includes a Worcester County fire and explosive investigator in the definition of “police officer” under provisions relating to the Maryland Police Training Commission; and
- requires the Police Training Commission to certify Worcester County fire and explosive investigators who meet the requirements of these provisions as police officers.

Current Law: Chapter 377 of 2004 expanded the authority of a Montgomery County fire and explosive investigator to be similar to that being granted to a fire and explosive investigator in Worcester County under this bill. Chapter 463 of 2005 similarly expanded the authority of an Anne Arundel County or City of Annapolis fire and explosive investigator.

The State Fire Marshal and full-time investigative and inspection assistants employed by that office may make warrantless arrests 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.

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.

Additional Information

Prior Introductions: None.

Cross File: HB 683 (Delegates Mathias and Conway) – Judiciary.

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

Fiscal Note History: First Reader - March 6, 2007
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