

**Department of Legislative Services**  
Maryland General Assembly  
2007 Session

**FISCAL AND POLICY NOTE**

House Bill 508 (Prince George's County Delegation)  
Judiciary

Judicial Proceedings

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**Prince George's County - Fire and Explosive Investigators - Authority**  
**PG 319-07**

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This bill expands the authority of a fire and explosive investigator of the Prince George's County Fire/EMS Department and repeals current provisions relating to fire and explosives investigators in that county.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** None. Prince George's County fire and explosive investigators already meet or exceed the bill's training requirements and certifications. Training expenditures currently budgeted would be continued.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** The bill:

- includes a fire and explosive investigator of the Prince George's County Fire/EMS Department 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 Prince George’s County Fire Chief may limit, in writing, the authority granted to an investigator under these provisions;
- excludes a Prince George’s 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 Prince George’s 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 Prince George’s County fire and explosive investigators who meet the requirements of these provisions as police officers.

The bill defines a Prince George’s County fire and explosives investigator and substitutes that definition for the description of a fire investigator under provisions authorizing the carrying of a handgun by law enforcement personnel.

**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 of the Prince George’s County Fire/EMS Department under this bill. Chapter 463 of 2005 similarly expanded the authority of an Anne Arundel County or City of Annapolis fire and explosive investigator.

A Prince George’s County fire investigator may 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.

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.

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### **Additional Information**

**Prior Introductions:** HB 1127 of 2005 would have authorized a Prince George's County Fire Investigator to receive and execute search warrants and to search places or persons and seize property. After passing second reading in the House, HB 1127 was recommitted to the House Judiciary Committee and had no further action taken on it.

**Cross File:** None.

**Information Source(s):** Prince George's County, Department of State Police, Department of Legislative Services

**Fiscal Note History:** First Reader - March 5, 2007  
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