

CHAPTER 260

(House Bill 239)

AN ACT concerning

Anne Arundel County and City of Annapolis - Fire and Explosive ~~Investigations - Deputy Fire Marshal~~ Investigators - Qualifications

FOR the purpose of ~~requiring that an Anne~~ altering the definition of “Anne Arundel County or City of Annapolis fire and explosive ~~investigator have the rank of deputy fire marshal or higher~~ investigator” to include certain additional qualifications; and generally relating to fire and explosive ~~investigations~~ investigators in Anne Arundel County and the City of Annapolis.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 2–208.2
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

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

Article – Criminal Procedure

2–208.2.

(a) In this section, “Anne Arundel County or City of Annapolis fire and explosive investigator” means an individual who:

(1) is assigned **FULL TIME** to the Fire and Explosive Investigations Section of the Anne Arundel County or City of Annapolis Fire Marshal’s Office **AND IS A PAID EMPLOYEE;**

(2) has ~~the rank of a [fire rescue lieutenant]~~ **DEPUTY FIRE MARSHAL or higher; and BEEN EMPLOYED BY THE ANNE ARUNDEL COUNTY OR CITY OF ANNAPOLIS FIRE DEPARTMENT AS A FIREFIGHTER FOR AT LEAST 5 YEARS;**

(3) has successfully completed a training program from a police training school approved by the Police Training Commission established under Title 3, Subtitle 2 of the Public Safety Article; **AND**

(4) **AT ALL TIMES MAINTAINS ACTIVE CERTIFICATION BY THE POLICE TRAINING COMMISSION.**

(b) Except as provided in subsection (c) of this section, an Anne Arundel County or City of Annapolis fire and explosive investigator has the same authority granted to the State Fire Marshal or a full-time investigative and inspection assistant of the Office of the State Fire Marshal under § 2-208 of this subtitle:

(1) while operating in Anne Arundel County or the City of Annapolis;
and

(2) while operating outside Anne Arundel County or the City of Annapolis when:

(i) the Anne Arundel County or City of Annapolis fire and explosive investigator is participating in a joint investigation with officials from another state, federal, or local law enforcement unit, at least one of which has local jurisdiction;

(ii) the Anne Arundel County or City of Annapolis fire and explosive investigator is rendering assistance to another law enforcement officer;

(iii) the Anne Arundel County or City of Annapolis fire and explosive investigator is acting at the request of a law enforcement officer or State law enforcement officer; or

(iv) an emergency exists.

(c) The Anne Arundel County or City of Annapolis Fire Chief:

(1) may limit the authority of an Anne Arundel County or City of Annapolis fire and explosive investigator under this section; and

(2) shall express the limitation in a written policy.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, April 24, 2008.