

**Department of Legislative Services**  
Maryland General Assembly  
2008 Session

**FISCAL AND POLICY NOTE**

House Bill 745

(Delegate Donoghue)

Judiciary

Judicial Proceedings

---

**City of Hagerstown - Fire and Explosives Investigators - Authority**

---

This bill expands the authority of a fire and explosive investigator in the City of Hagerstown.

The bill takes effect July 1, 2008.

---

**Fiscal Summary**

**State Effect:** None.

**Local Effect:** None. Hagerstown fire and explosive investigators would not require any additional training. The Police Training Commission would certify the Hagerstown fire and explosives investigators as police officers on July 1, 2008.

**Small Business Effect:** None.

---

**Analysis**

**Bill Summary:** The bill:

- defines a City of Hagerstown fire and explosive investigator;
- includes a fire and explosive investigator in Hagerstown 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 city under certain circumstances;
- provides that the City of Hagerstown Fire Chief may limit, in writing, the authority granted to an investigator under these provisions;
- excludes a Hagerstown fire and explosive investigator from the definition of “law enforcement officer” under provisions relating to the Law Enforcement Officers’ Bill of Rights;
- includes a Hagerstown 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, on July 1, 2008, to certify Hagerstown fire and explosive investigators who meet the requirements of these provisions as police officers.

**Current Law:** Fire and explosive investigators in the City of Annapolis and Anne Arundel, Montgomery, Prince George’s, and Worcester counties are classified as “law enforcement officials” and currently have the same authority as the State Fire Marshal and assistants, including the authority to make a warrantless arrest under certain circumstances. A fire and explosive investigator must have successfully completed a training program from a police training school approved by the Police Training Commission. The authority of the fire and explosive investigator in each jurisdiction can be limited through written policy by the fire chief.

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 crimes relating to arson, explosives, false alarms, or interference with fire and safety personnel.

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:** SB 613 (Senator Munson) – Judicial Proceedings.

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

**Fiscal Note History:** First Reader - February 11, 2008  
mll/hlb

---

Analysis by: Guy G. Cherry

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510