

SENATE BILL 752

E4

8lr3725
CF 8lr2211

By: **Senator Bates**

Introduced and read first time: February 5, 2018

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Fire Investigation Science Advisory Workgroup**

3 FOR the purpose of establishing the Fire Investigation Science Advisory Workgroup;
4 providing for the composition, chair, and staffing of the Workgroup; prohibiting a
5 member or an ex officio member of the Workgroup from receiving certain
6 compensation, but authorizing the reimbursement of certain expenses; requiring the
7 Workgroup to obtain certain information and recommendations, meet on a certain
8 schedule, and conduct reviews of certain fire and explosion investigations performed
9 by certain public agencies; requiring a certain agency to provide certain files and
10 transcripts to the Workgroup; requiring the State Fire Marshal to direct a certain
11 investigator to attend a certain meeting of the Workgroup; requiring the Workgroup
12 to produce minutes of its meetings and report its findings and recommendations to
13 the State Fire Marshal and certain other persons under certain circumstances; and
14 generally relating to the Fire Investigation Science Advisory Workgroup.

15 BY adding to

16 Article – Public Safety

17 Section 7–404

18 Annotated Code of Maryland

19 (2011 Replacement Volume and 2017 Supplement)

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

22 **Article – Public Safety**

23 **7–404.**

24 **(A) THERE IS A FIRE INVESTIGATION SCIENCE ADVISORY WORKGROUP.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) THE CHAIR OF THE FIRE PROTECTION ENGINEERING DEPARTMENT AT**
2 **THE UNIVERSITY OF MARYLAND, COLLEGE PARK, OR THE CHAIR'S DESIGNEE,**
3 **SHALL CHAIR THE WORKGROUP.**

4 **(C) THE WORKGROUP CONSISTS OF UP TO 10 MEMBERS SELECTED BY THE**
5 **CHAIR IN CONSULTATION WITH THE STATE FIRE MARSHAL AND THE FOLLOWING EX**
6 **OFFICIO MEMBERS:**

7 **(1) THE STATE FIRE MARSHAL;**

8 **(2) EACH FIRE MARSHAL SERVING A COUNTY OR CITY JURISDICTION;**

9 **(3) A REPRESENTATIVE OF THE MARYLAND FIRE AND RESCUE**
10 **INSTITUTE (MFRI), DESIGNATED BY THE MFRI; AND**

11 **(4) A REPRESENTATIVE OF THE OFFICE OF THE ATTORNEY**
12 **GENERAL, DESIGNATED BY THE ATTORNEY GENERAL.**

13 **(D) THE STATE DEPARTMENT OF EDUCATION SHALL PROVIDE STAFF FOR**
14 **THE WORKGROUP.**

15 **(E) A MEMBER OR AN EX OFFICIO MEMBER OF THE WORKGROUP:**

16 **(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE**
17 **WORKGROUP; BUT**

18 **(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE**
19 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

20 **(F) THE WORKGROUP SHALL:**

21 **(1) ACCEPT RECOMMENDATIONS FROM PUBLIC FIRE AND EXPLOSION**
22 **INVESTIGATION AGENCIES AND THE STATE FIRE MARSHAL FOR INVESTIGATIONS**
23 **THAT WOULD BE APPROPRIATE FOR REVIEW BY THE WORKGROUP;**

24 **(2) SELECT INVESTIGATIONS TO BE REVIEWED BY THE WORKGROUP;**

25 **(3) OBTAIN FROM THE APPROPRIATE PUBLIC FIRE AND EXPLOSION**
26 **INVESTIGATION AGENCY IN THE STATE THE FULL INVESTIGATION FILE OF EACH**
27 **INVESTIGATION THAT IS SELECTED TO BE REVIEWED BY THE WORKGROUP;**

28 **(4) OBTAIN RELEVANT TRANSCRIPTS OF ALL TESTIMONY PROVIDED**
29 **BY EACH INVESTIGATOR, IN ANY COURT PROCEEDING HELD IN THE STATE,**

1 REGARDING ANY FIRE OR EXPLOSION INVESTIGATION THAT IS SELECTED TO BE
2 REVIEWED BY THE WORKGROUP;

3 (5) MEET ON A QUARTERLY BASIS TO REVIEW THE SELECTED
4 INVESTIGATIONS;

5 (6) PRODUCE MINUTES OF EACH MEETING; AND

6 (7) PRODUCE AN ANNUAL SUMMARY REPORT ON THE WORKGROUP'S
7 FINDINGS AND SUBMIT THE REPORT TO THE STATE FIRE MARSHAL AND THE OTHER
8 EX OFFICIO MEMBERS OF THE WORKGROUP.

9 (G) THE PUBLIC FIRE AND EXPLOSION INVESTIGATION AGENCY THAT
10 INVESTIGATED THE SELECTED INVESTIGATION SHALL PROVIDE ALL FILES AND
11 TRANSCRIPTS CONNECTED WITH THE INVESTIGATION THAT ARE REQUESTED BY
12 THE WORKGROUP.

13 (H) THE STATE FIRE MARSHAL SHALL DIRECT THE INVESTIGATOR FROM
14 EACH SELECTED INVESTIGATION TO ATTEND THE REVIEW OF THE INVESTIGATION
15 BY THE WORKGROUP.

16 (I) IF, IN A REVIEW OF A SELECTED INVESTIGATION THAT HAS BEEN USED
17 IN A PROSECUTION OF A FIRE-RELATED CRIME, THE WORKGROUP IDENTIFIES
18 SERIOUS TECHNICAL ISSUES WITH THE INVESTIGATION, THE WORKGROUP SHALL
19 REPORT ITS FINDINGS IN WRITING TO THE PROSECUTOR OF THE CRIME, THE
20 DEFENDANT OR THE DEFENDANT'S ATTORNEY, AND THE ATTORNEY GENERAL.

21 (J) THE WORKGROUP SHALL MAKE PERIODIC RECOMMENDATIONS TO THE
22 STATE FIRE MARSHAL AND THE MFRI FOR TRAINING ENHANCEMENTS BASED ON
23 FINDINGS FROM THE REVIEW OF SELECTED INVESTIGATIONS.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2018.