

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1587
Judiciary

(Delegate S. Howard, *et al.*)

Public Safety - Fire Investigation Science Advisory Workgroup

This bill establishes the Fire Investigation Science Advisory Workgroup staffed by the Maryland State Department of Education (MSDE). The workgroup must make periodic recommendations to the State Fire Marshal and the Maryland Fire and Rescue Institute for training enhancements based on findings from a review of specified fire and explosion investigations.

Fiscal Summary

State Effect: Any expense reimbursements for workgroup members and staffing costs for MSDE are assumed to be minimal and absorbable within existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The workgroup must:

- accept recommendations from public fire and explosions investigation agencies and the State Fire Marshal for investigations that would be appropriate for review by the workgroup;
- select investigations to be reviewed by the workgroup;

- obtain from the appropriate public fire and explosion investigation agency in the State the full investigation file of each investigation that is selected to be reviewed by the workgroup;
- obtain relevant transcripts of all testimony provided by each investigator regarding any fire or explosion investigation selected to be reviewed;
- meet on a quarterly basis to review selected investigations;
- produce minutes of each meeting; and
- produce an annual summary report on the workgroup's findings and submit the report to the State Fire Marshal and the other *ex officio* members of the workgroup.

A public fire and explosion investigation agency must provide to the workgroup the full investigative file connected with any investigation that is requested by the workgroup.

The State Fire Marshal or the fire marshal serving the county or city jurisdiction of a public fire and explosion investigation agency must direct the investigator from each selected investigation to attend the review of the investigation by the workgroup. If, in a review of a selected investigation that has been used in a prosecution of a fire-related crime, the workgroup identifies serious technical issues with the investigation, the workgroup must report its findings in writing to the prosecutor of the crime, the defendant or the defendant's attorney, and the Attorney General.

A member of the workgroup may not receive compensation but is entitled to reimbursement for expenses under the standard State travel regulations, as provided in the State budget.

Current Law/Background: The Office of the State Fire Marshal within the Department of State Police is responsible for statewide fire, arson, and explosive investigations, enforcement of the State Fire Prevention Code, coordination of fire prevention efforts, and the collection of fire incident data. A deputy State Fire Marshal (DSFM) or the fire marshal from a local jurisdiction is notified by the local fire department to respond on every incendiary or suspicious fire, every fire resulting in loss of life, every fire resulting in high dollar loss, and other fires where the cause or origin is not immediately clear to the local fire department.

The DSFM normally is responsible for all aspects of the investigation, including scene examination, evidence collection, photography, interview and interrogation, and effecting an arrest when appropriate. 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.

Additional Information

Prior Introductions: None.

Cross File: Although designated as a cross file, SB 752 (Senator Bates – Judicial Proceedings) is not identical.

Information Source(s): Baltimore and Charles counties; cities of Frederick and Havre de Grace; Maryland State Department of Education; University System of Maryland; Department of State Police; Department of Legislative Services

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