

IAAI - MD Support.pdf

Uploaded by: Colin Campbell

Position: FAV



Maryland Fire and Explosives Investigators Association
PO Box 457
Finksburg, Maryland 21048

November 2, 2023

Maryland General Assembly
Legislative Services Building,
90 State Circle, Annapolis, Maryland 21401

Dear General Assembly Members,

On behalf of the Maryland Fire and Explosives Investigators Association, representing public sector and private sector fire and explosives investigators throughout the State of Maryland, I am writing to express strong support for legislation aimed at enhancing the penalties for arson-related criminal charges when a firefighter is injured or killed in the response to or suppression of the resulting fire. Our firefighters put their lives on the line every day to protect our communities and keep us safe from the devastating effects of fires. Our responsibility is to ensure that they are provided with the protection they deserve when they are called upon to respond to such dangerous situations.

Arson cases that result in injuries to firefighters not only cause physical harm but also inflict emotional and psychological trauma on these brave individuals and their families. These selfless individuals are willing to risk everything to protect our homes, businesses, and loved ones. We must do everything in our power to deter those who would intentionally harm them.

The proposed legislation to increase the penalties for such heinous acts is a crucial step toward ensuring justice for our firefighters. By imposing more stringent penalties, we can send a clear message that this kind of violence against first responders will not be tolerated, and those who commit such acts will be held accountable for their actions.

In addition to discouraging such destructive behavior, this legislation will also provide much-needed support and recognition for the sacrifices made by our firefighters. We must stand by those who risk their lives to protect us, and this legislation is an important way to do just that.

Thank you for your dedication to our community's safety, and for considering the importance of this legislation. Please do not hesitate to reach out to me if you need any additional information or assistance in pushing for this essential legislation.

Respectfully,

A handwritten signature in blue ink, appearing to be 'ATC' with a stylized flourish.

Aaron Tyler, President

MAGS ENews17_3 - Arson 1.pdf

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Guidelines E-News

Vol. 17, No. 3 – October 2022



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Revision to Scoring the Juvenile Record

The Maryland State Commission on Criminal Sentencing Policy (MSCCSP) has revised the instructions in the Maryland Sentencing Guidelines Manual (MSGM) and the Code of Maryland Regulations (COMAR) for scoring the juvenile delinquency component of the offender score. Part B of the offender score, *juvenile delinquency*, instructs that points shall be scored for offenders younger than 23 years old with findings of a delinquent act within five years of the date of the most recent instant offense. When determining the number of findings of delinquency, the instructions state that only one finding of a delinquent act (i.e., finding of facts sustained at an adjudicatory hearing) should be counted for a single adjudicatory hearing. Further, when the defense or State can show that a finding of a delinquent act did not result in the youth's adjudication as delinquent at a juvenile disposition hearing, the finding of a delinquent act shall not be scored as a part of the juvenile record.

The current revision provides the additional instruction that **the juvenile delinquency record may not include adjudications based on acts that are no longer crimes**. This revision is consistent with the instructions for scoring part C of the offender score, *prior adult criminal record*, which state that the prior adult criminal record shall not include adjudications based on acts that are no longer crimes.

The above language was adopted in the applicable section of COMAR effective October 1, 2022. The affected section of the [MSGM](#) (version 14.1) is MSGM ¶ 7.1.B. Juvenile Delinquency (page 25).

Offense Type Reclassification for Arson, 1st Degree

The MSCCSP has changed the offense type classification for *Arson, 1st degree* from **property offense** to **person offense**. This revision reflects the substantial risk of harm that *Arson, 1st degree* poses to dwelling inhabitants as well as first responders. The revision was adopted in COMAR effective October 1, 2022. A print friendly version of the updated [Guidelines Offense Table](#) (Appendix A of the MSGM) is available on the MSCCSP website. This file is searchable by key word, CJIS Code, Source, etc. Please discard any prior versions of the Guidelines Offense Table, as information in prior versions may no longer be accurate.

Additionally, practitioners will now see two entries for *Arson, 1st degree* in the Maryland Automated Guidelines System (MAGS) offense table – (1) an entry for offenses sentenced prior to October 1, 2022, with the property offense type designation and (2) an entry for offenses sentenced on/after October 1, 2022, with the person offense type designation. MAGS will calculate the guidelines range based on the sentencing matrix (property or person) corresponding to the offense selected.

Entries for Child Abuse Violations Prior to October 1, 2003, Added to MAGS Offense Table

In response to practitioner requests, three offense entries for child abuse violations occurring prior to October 1, 2003 have been added to the MAGS offense table. Prior to October 1, 2003, the maximum penalty for *Child abuse-physical* and *Child abuse-sexual* was 15 years. Effective October 1, 2003, House Bill 588 established child abuse in the first and second degrees, and increased the penalties for *Child abuse-physical, 1st degree* and *Child abuse-sexual* from 15 years to 25 years. In order to accommodate worksheets for current sentencing events involving child abuse violations that occurred prior to October 1, 2003 when the statutory maximum was 15 years, the following three offense entries were added to the offense table in MAGS:

Source	Offense	Statutory Maximum	Offense Type	Seriousness Category¹
27, §35C(b)(1)	Child Abuse - General (OFFENSE DATE prior to 10/1/03; analogous to Child Abuse-Physical, 1 st degree)	15Y	Person	II
27, §35C(b)(1)	Child Abuse - General (OFFENSE DATE prior to 10/1/03; analogous to Child Abuse-Sexual)	15Y	Person	II
27, §35C(b)(1)	Child Abuse - General (OFFENSE DATE prior to 10/1/03; analogous to Child Abuse-Physical, 2 nd degree)	15Y	Person	IV

¹ The offense seriousness categories in effect at the time of sentencing shall be used to calculate the guidelines.

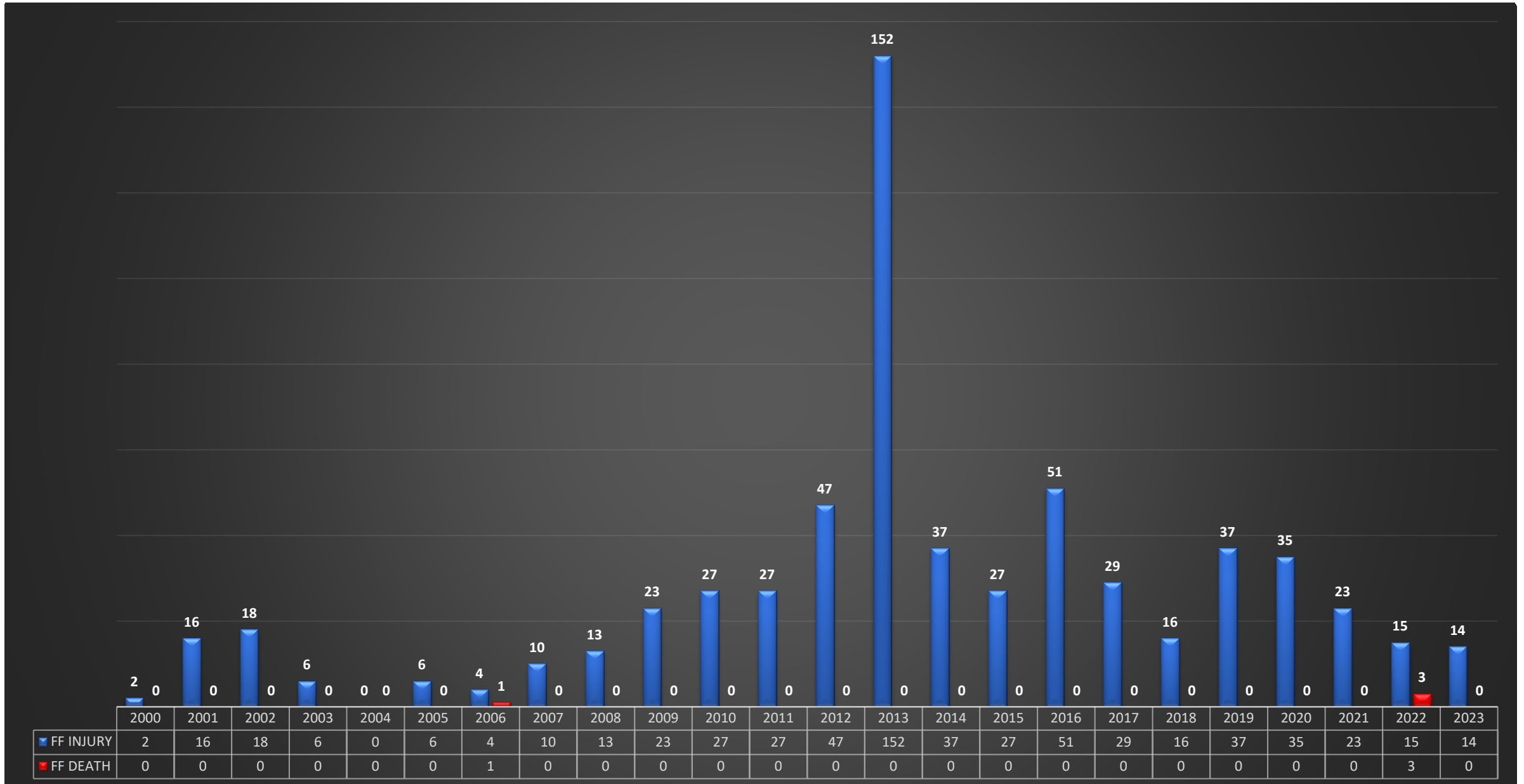
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Position: FAV

Maryland Fire Fighter Injury and Death

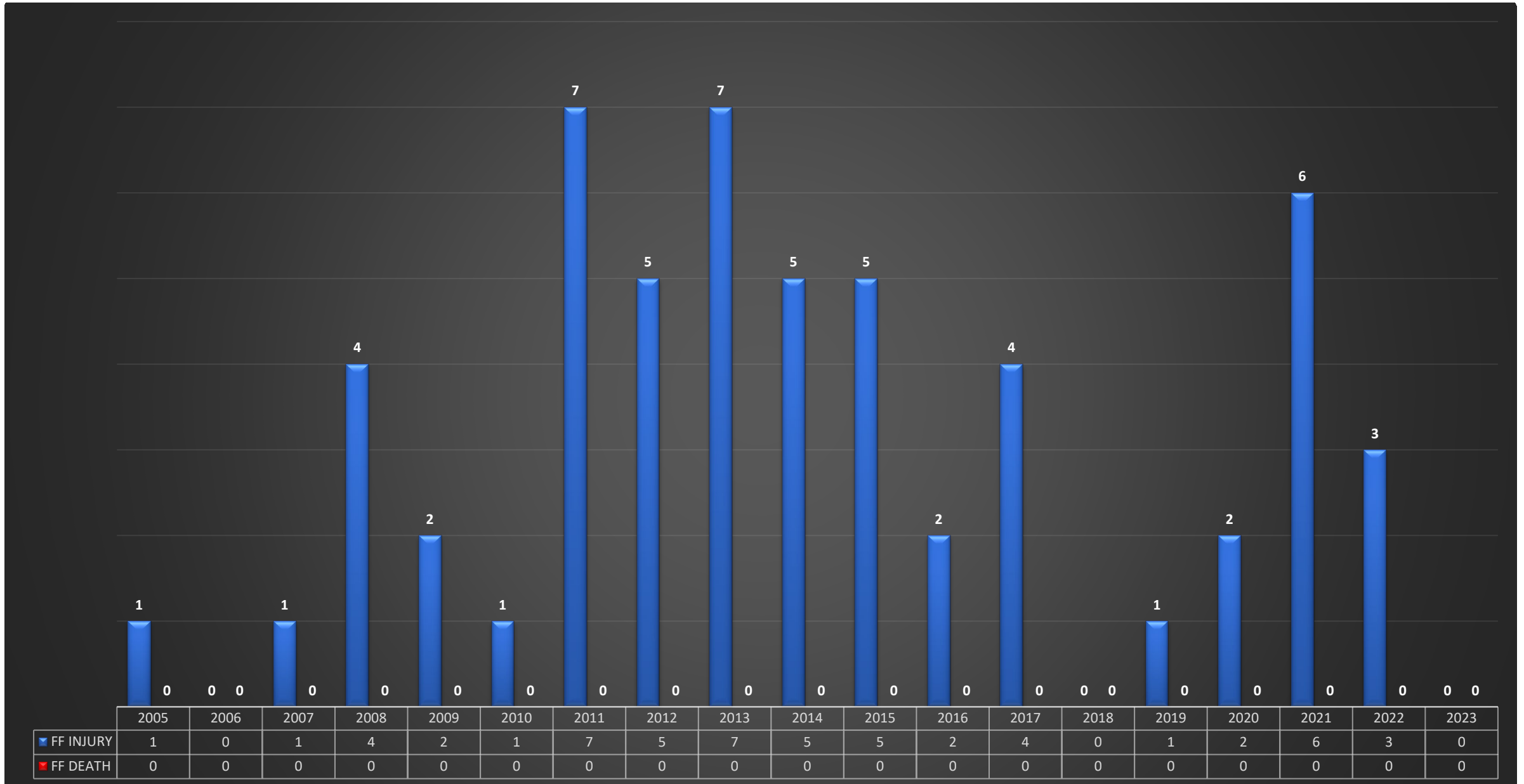
January 2000 – September 2023



Information included in this chart are from incidents entered into BATS by local users and may not indicate all events/incidents that have occurred.

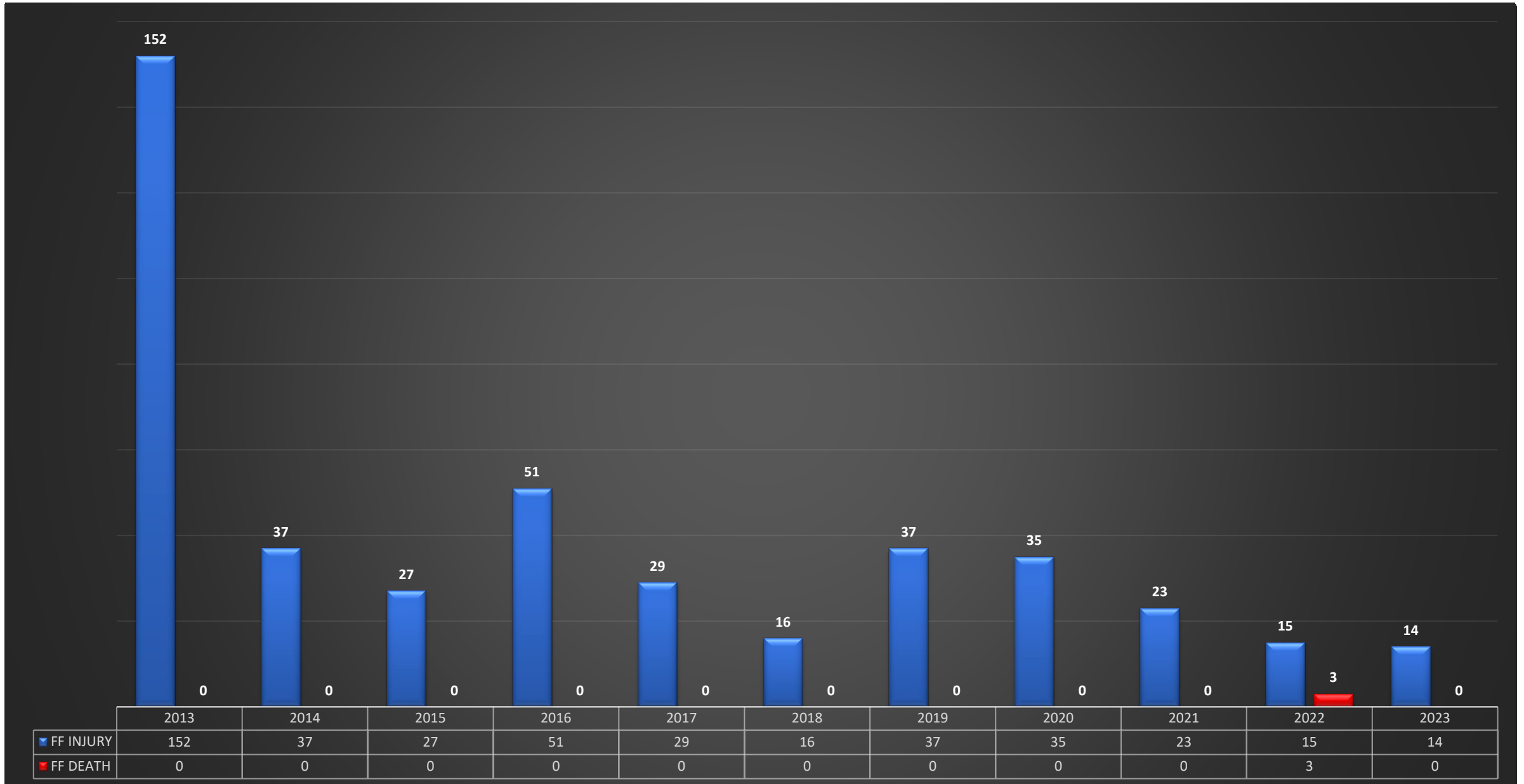
Maryland Fire Fighter Injury and Death – Incendiary

January 2000 – September 2023



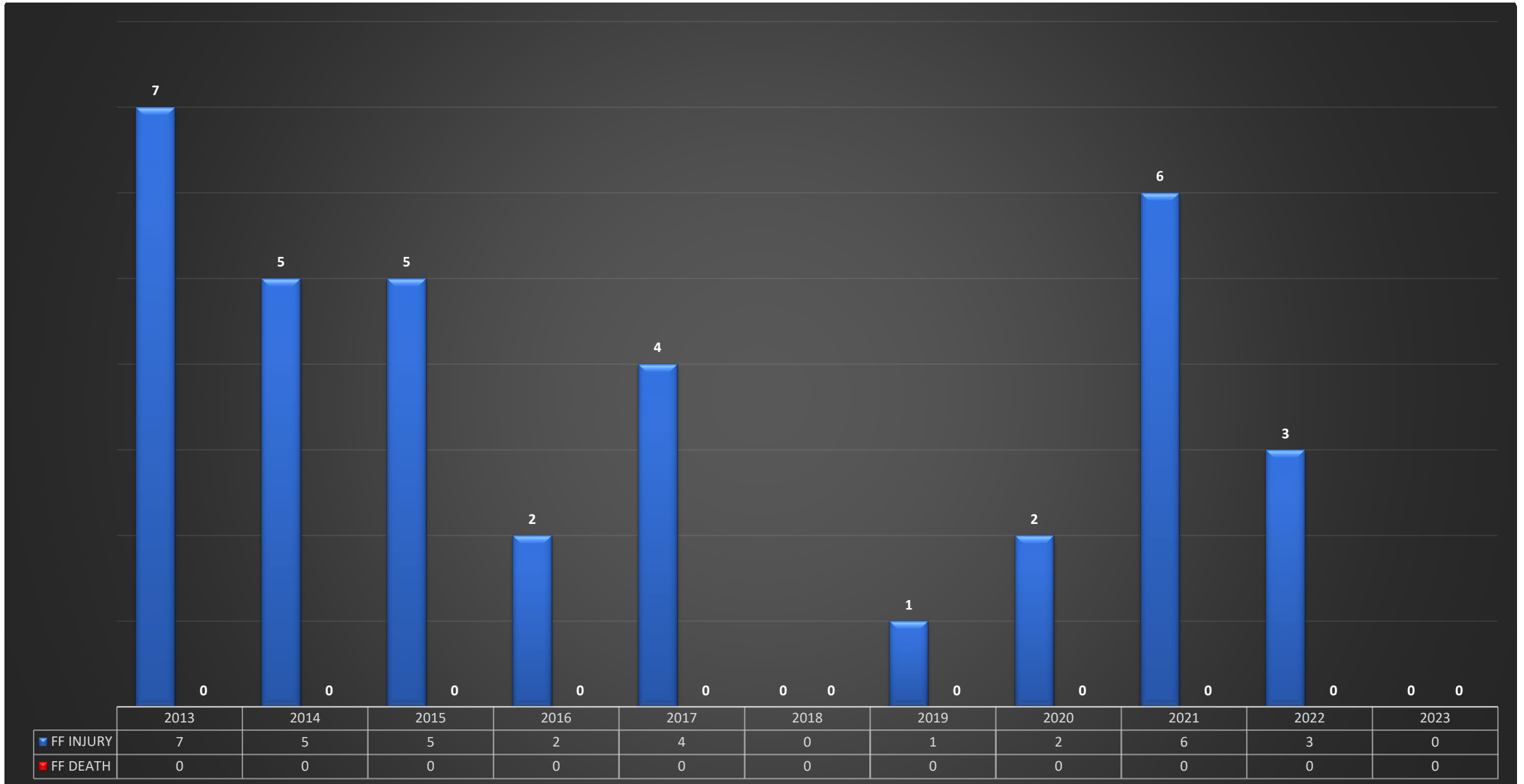
Information included in this chart are from incidents entered into BATS by local users and may not indicate all events/incidents that have occurred.

Maryland Fire Fighter Injury and Death – All January 2013 – September 2023



Maryland Fire Fighter Injury and Death – Incendiary

January 2013 – September 2023



SB0435 Testimony.pdf

Uploaded by: Colin Campbell

Position: FAV

Good Afternoon,

I'm Colin Campbell, an Assistant State's Attorney with Howard County. I'm here to express strong support for S.B. 435, and extend my gratitude to Senators Gallion & Folden for sponsoring this crucial bill, as well as to Chair Smith and Vice Chair Waldstreicher for this hearing.

As an ASA since 2018 I've prosecuted criminal cases including arsons. I've been a volunteer firefighter at the Providence Volunteer Fire Company in Baltimore County for over 15 years and have completed the Maryland Fire and Rescue Institute's Fire Investigator course, bringing a unique perspective to the table.

This bill seeks to remedy a significant gap in our legal system. The inherently dangerous profession of firefighting and the firefighters, who willingly place themselves in harm's way to protect lives and property. The reclassification of Arson 1 in 2022 by the Maryland State Commission on Criminal Sentencing Policy noted the substantial risk of harm posed to both dwelling inhabitants and first responders.ⁱ

From 2013 to 2022, ATF Bomb Arson Tracking System data reveals 35 reported injuries to firefighters during the suppression of fires classified as arsons in Maryland.ⁱⁱ In the past two years alone I've handled 3 arson cases in Howard County resulting in firefighter injury.

Currently, there is no mechanism by which to seek justice for a firefighter injured or killed in the line of duty due to an intentionally set arson. Assault and Reckless Endangerment do not adequately encompass these scenarios. I have had the defendant's motion for judgment of acquittal granted for reckless endangerment of a named firefighter where the bench found that was not the legislative intent of that charge. Ultimately leaving the State without any means of seeking justice for an injured victim.

This bill seeks to create that mechanism, allowing Maryland prosecutors to seek justice for our injured victims who would not have even responded but for the criminal actions of the arsonist.

By holding arsonists accountable for the injuries they cause, the State can provide accountability, justice, and protection to the victims and their families while ensuring arsonists face appropriate consequences. Additionally, this legislation acts as a further deterrent toward eliminating the use of fire-setting for criminal goals.

In conclusion, I appreciate your time and attention to this matter. I am here to seek a favorable report from the committee on S.B. 435, which will contribute to ensuring the safety and well-being of our firefighters. Thank you.

ⁱ *Offense Type Reclassification for Arson, 1st Degree*, Guidelines E-News Vol. 17, No. 3 (Md. St. Commission on Crim. Sent'g Pol'y), Oct. 2022, at 1, <https://msccsp.org/news/>.

ⁱⁱ ATF, *Maryland Fire Fighter Injury and Death – Incendiary* (2023), <https://www.atf.gov/explosives/bomb-arson-tracking-system-bats>.

Letter for SB435.pdf

Uploaded by: Mike McKay

Position: FAV

MIKE MCKAY
Legislative District 1
Garrett, Allegany, and Washington Counties



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Judicial Proceedings Committee
Executive Nominations Committee

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

January 30, 2024

RE: Fire/EMS Coalition Support for Senate Bill 435

Dear Chairman Smith, Vice Chairman Waldstreicher, and Members of the Committee,

The Fire/EMS Coalition would like to express their support for Senate Bill 435: Criminal Law – Crimes of Arson – Prohibitions and Penalties. The bill will establish that a person who intentionally commits an act of arson that injures a firefighter during the response to the fire or efforts to suppress the fire will be guilty of committing a felony and will face a sentence of imprisonment not exceeding 10 years. A sentence imposed upon individuals for the injury of a firefighter in response to an arsonist fire will be separate and consecutive to any imposed sentence for any crime based upon violation of the law.

The Fire/EMS Coalition supports Senate Bill 435 as it will be beneficial to all public safety volunteers in Maryland as this bill would help to reduce arsonist-related fires as well as ensure justice for firefighters affected by arson crime. The Coalition supports this bill for justice for firefighters and their families.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike McKay".

Senator Mike McKay
Representing the Appalachia Region of Maryland
Serving Garrett, Allegany, and Washington Counties

Voting Organizations:

Maryland Fire Chief's Association (MFCA)
Maryland State Firemen's Association (MSFA)
State Fire Marshal (OSFM)
Maryland Fire Rescue Institute (MFRI)
Maryland Institute for Emergency Medical Services System (MIEMMS)

**Metro Fire Chief's Association
Professional Firefighters of Maryland**

Our Mission Statement

The Maryland Fire/EMS Coalition unites Republicans and Democrats in support of fire/emergency services legislation that benefit all first responders. Becoming a member does not require taking positions on legislation; rather Coalition members are asked to offer support in a way that best benefits fire/emergency services in their respective Legislative Districts.

SB 0435_HowardCoSAO_Favorable_CriminalLaw_Crimesof

Uploaded by: Rich Gibson

Position: FAV



SENATE BILL 0435

Criminal Law- Crimes of Arson- Prohibitions and Penalties

RICH GIBSON, HOWARD COUNTY STATE'S ATTORNEY

POSITION: FAVORABLE

February 8, 2024

My name is Rich Gibson, State's Attorney for Howard County and President of the Maryland State's Attorneys' Association. I have been a prosecutor for approximately 20 years, and I am writing today to offer my strongest support for Senate Bill 0435.

This bill seeks to remedy a significant gap in our legal system. No one would argue the profession of firefighting is inherently dangerous. Firefighters bravely and willingly place themselves in harm's way to protect the lives and property of others. However, there is currently no mechanism by which to seek justice for a firefighter injured or killed in the line of duty due to an intentionally set arson.

From 2013 to 2022, ATF Bomb Arson Tracking System data revealed 35 reported injuries to firefighters during the suppression of fires classified as arsons in Maryland. In the past two years, there have been three arson cases in Howard County resulting in firefighter injury. Unfortunately, the crimes of Assault and Reckless Endangerment do not adequately encompass these scenarios and thereby leave the State without any meaningful avenue to seek justice for an injured victim.

This bill seeks to create that mechanism, allowing Maryland's prosecutors to seek justice for our injured victims who would not have been harmed but for the need to respond due to the criminal actions of the arsonist. By holding arsonists accountable for the injuries they cause, the State can provide justice and

protection to the victims and their families while ensuring arsonists face appropriate consequences.

In conclusion, on behalf of myself, the Howard County community, and the prosecutors of the State of Maryland, I seek a favorable report from the committee on SB 0435; Thank you.

SB435 testimony.pdf

Uploaded by: Robert Phillips

Position: FAV

MARYLAND STATE FIREMEN'S ASSOCIATION

REPRESENTING THE VOLUNTEER FIRE, RESCUE, AND EMS PERSONNEL OF MARYLAND.



Robert P. Phillips

Chairman

Legislative Committee

17 State Circle

Annapolis, MD 21401

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SB 435: Criminal Law – Crimes of Arson – Prohibitions and Penalties

My name is Robert Phillips and I am the Legislative Committee Chair for the Maryland State Firefighters Association (MSFA)

I wish to present testimony in favor of **Senate Bill 435: Criminal Law – Crimes of Arson – Prohibitions and Penalties**

The MSFA is in full support of SB435. Every time the emergency alert goes off many first responders put their lives on the line for others. There are dangers always present no matter the type of call. When the call is for a fire the possibility and level of danger goes up. When the cause of the fire is ARSON, then we are putting lives in danger for a fire that did not have to happen except for someones miss-guided beliefs and actions.

We feel that this law may cause someone thinking about ARSON and setting fires for whatever reason to pause and consider the consequences of their actions before setting a fire.

Existing law covers the victims of ARSON as victims, but the same is not said for the Fire/EMS personnel who respond to protect and save the victims.

I thank the committee for their time and attention to this important bill and ask that you vote favorable on Senate Bill 435.

I will now be glad to answer any questions, or my contact information is listed above and welcome any further inquiries you might have.

SB 435 Favorable.pdf

Uploaded by: Senator Gallion

Position: FAV

JASON C. GALLION
Legislative District 35
Harford and Cecil Counties

Education, Energy, and
the Environment Committee



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 8th, 2024

The Honorable William C. Smith Jr., Chair

Senate Judicial Proceedings Committee

RE: SB435 – Crimes of Arson – Prohibitions and Penalties

Position: **Favorable**

Dear Chairman Smith,

Simply put this legislation would create a felony charge for intentionally committing arson that causes an injury to a firefighter during the response to the fire or the efforts to suppress the fire. A violator is guilty of a felony and subject to imprisonment not exceeding 10 years.

You may recall the tragic events that took place in 2022 where three of our brave men and women lost their lives battling a vacant house fire that was later determined to be the result of arson and their deaths being ruled homicides.

Passage of this legislation will make it abundantly clear that when you decide to commit arson, you will be running the risk of an additional felony charge if a firefighter is then injured in the process of stopping that fire.

I respectfully ask the committee for a favorable report on SB 435.

Sincerely,

A handwritten signature in cursive script that reads "Jason Gallion".

Jason Gallion

Senator – District 35