

SENATE BILL 527

L2, E4

5lr2037
CF 5lr2036

By: **Senators Carozza and Mautz**

Introduced and read first time: January 23, 2025

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **City of Salisbury – Fire and Explosive Investigator – Authority**

3 FOR the purpose of providing that a City of Salisbury fire and explosive investigator has
4 the same authority as the State Fire Marshal under certain circumstances;
5 authorizing the City of Salisbury Fire Chief to limit the authority of a fire and
6 explosive investigator under this Act; and generally relating to the authority of the
7 City of Salisbury fire and explosive investigators.

8 BY repealing and reenacting, without amendments,
9 Article – Criminal Law
10 Section 4–201(a)
11 Annotated Code of Maryland
12 (2021 Replacement Volume and 2024 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Criminal Law
15 Section 4–201(d)(7) and (8)
16 Annotated Code of Maryland
17 (2021 Replacement Volume and 2024 Supplement)

18 BY adding to
19 Article – Criminal Law
20 Section 4–201(d)(9)
21 Annotated Code of Maryland
22 (2021 Replacement Volume and 2024 Supplement)

23 BY repealing and reenacting, without amendments,
24 Article – Criminal Procedure
25 Section 2–208
26 Annotated Code of Maryland
27 (2018 Replacement Volume and 2024 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



BY adding to

Article – Criminal Procedure

Section 2–208.7

Annotated Code of Maryland

(2018 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, without amendments,

Article – Public Safety

Section 1–101(a) and 3–201(a)

Annotated Code of Maryland

(2022 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 1–101(c)(2)(x) and (xi) and 3–201(f)(2)(ix) and (x)

Annotated Code of Maryland

(2022 Replacement Volume and 2024 Supplement)

BY adding to

Article – Public Safety

Section 1–101(c)(2)(xii) and 3–201(f)(2)(xi)

Annotated Code of Maryland

(2022 Replacement Volume and 2024 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That the Laws of Maryland read as follows:

Article – Criminal Law

4–201.

(a) In this subtitle the following words have the meanings indicated.

(d) “Law enforcement official” means:

(7) a City of Hagerstown fire and explosive investigator as defined in § 2–208.5 of the Criminal Procedure Article; [or]

(8) a Howard County fire and explosive investigator as defined in § 2–208.6 of the Criminal Procedure Article; OR

(9) A CITY OF SALISBURY FIRE AND EXPLOSIVE INVESTIGATOR AS DEFINED IN § 2–208.7 OF THE CRIMINAL PROCEDURE ARTICLE.

Article – Criminal Procedure

1 2–208.

2 (a) (1) The State Fire Marshal or a full–time investigative and inspection
3 assistant of the Office of the State Fire Marshal may arrest a person without a warrant if
4 the State Fire Marshal or assistant has probable cause to believe:

5 (i) a felony that is a crime listed in paragraph (2) of this subsection
6 has been committed or attempted; and

7 (ii) the person to be arrested has committed or attempted to commit
8 the felony whether or not in the presence or within the view of the State Fire Marshal or
9 assistant.

10 (2) The powers of arrest set forth in paragraph (1) of this subsection apply
11 only to the crimes listed in this paragraph and to attempts, conspiracies, and solicitations
12 to commit these crimes:

13 (i) murder under § 2–201(4) of the Criminal Law Article;

14 (ii) setting fire to a dwelling or occupied structure under § 6–102 of
15 the Criminal Law Article;

16 (iii) setting fire to a structure under § 6–103 of the Criminal Law
17 Article;

18 (iv) a crime that relates to destructive devices under § 4–503 of the
19 Criminal Law Article; and

20 (v) making a false statement or rumor as to a destructive device
21 under § 9–504 of the Criminal Law Article.

22 (b) (1) The State Fire Marshal or a full–time investigative and inspection
23 assistant of the Office of the State Fire Marshal may arrest a person without a warrant if
24 the State Fire Marshal or assistant has probable cause to believe:

25 (i) the person has committed a crime listed in paragraph (2) of this
26 subsection; and

27 (ii) unless the person is arrested immediately, the person:

28 1. may not be apprehended;

29 2. may cause physical injury or property damage to another;
30 or

31 3. may tamper with, dispose of, or destroy evidence.

(2) The crimes referred to in paragraph (1) of this subsection are:

(i) a crime that relates to a device that is constructed to represent a destructive device under § 9–505 of the Criminal Law Article;

(ii) malicious burning in the first or second degree under § 6–104 or § 6–105 of the Criminal Law Article;

(iii) burning the contents of a trash container under § 6–108 of the Criminal Law Article;

(iv) making a false alarm of fire under § 9–604 of the Criminal Law Article;

(v) a crime that relates to burning or attempting to burn property as part of a religious or ethnic crime under § 10–304 or § 10–305 of the Criminal Law Article;

(vi) a crime that relates to interference, obstruction, or false representation of fire and safety personnel under § 6–602 or § 7–402 of the Public Safety Article; and

(vii) threatening arson or attempting, causing, aiding, counseling, or procuring arson in the first or second degree or malicious burning in the first or second degree under Title 6, Subtitle 1 of the Criminal Law Article.

(c) (1) The State Fire Marshal or a full-time investigative and inspection assistant in the Office of the State Fire Marshal may act under the authority granted by § 2–102 of this title to police officers as provided under paragraph (2) of this subsection.

(2) When acting under the authority granted by § 2–102 of this title, the State Fire Marshal or a full-time investigative and inspection assistant in the Office of the State Fire Marshal has the powers of arrest set forth in §§ 2–202, 2–203, and 2–204 of this subtitle.

(d) (1) The State Fire Marshal or a full-time investigative and inspection assistant in the Office of the State Fire Marshal who acts under the authority granted by this section shall notify the following persons of an investigation or enforcement action:

(i) 1. the chief of police, if any, or chief's designee, when in a municipal corporation;

2. the Police Commissioner or Police Commissioner's designee, when in Baltimore City;

3. the chief of police or chief's designee, when in a county with a county police department, except Baltimore City;

1 4. the sheriff or sheriff's designee, when in a county without
2 a county police department;

3 5. the Secretary of Natural Resources or Secretary's
4 designee, when on property owned, leased, operated by, or under the control of the
5 Department of Natural Resources; or

6 6. the respective chief of police or chief's designee, when on
7 property owned, leased, operated by, or under the control of the Maryland Transportation
8 Authority, Maryland Aviation Administration, or Maryland Port Administration; and

9 (ii) the Department of State Police barrack commander or
10 commander's designee, unless there is an agreement otherwise with the Department of
11 State Police.

12 (2) When the State Fire Marshal or a full-time investigative and
13 inspection assistant in the Office of the State Fire Marshal participates in a joint
14 investigation with officials from another state, federal, or local law enforcement unit, the
15 State Fire Marshal or a full-time investigative and inspection assistant in the Office of the
16 State Fire Marshal shall give the notice required under paragraph (1) of this subsection
17 reasonably in advance.

18 (e) A State Fire Marshal or a full-time investigative and inspection assistant in
19 the Office of the State Fire Marshal who acts under the authority granted by this section:

20 (1) has the same immunities from liability and exemptions as a State
21 Police officer in addition to any other immunities and exemptions to which the State Fire
22 Marshal or full-time investigative and inspection assistant is otherwise entitled; and

23 (2) remains at all times and for all purposes an employee of the employing
24 unit.

25 (f) (1) This section does not impair a right of arrest otherwise existing under
26 the Code.

27 (2) This section does not deprive a person of the right to receive a citation
28 for a traffic violation as provided in the Maryland Vehicle Law or a criminal violation as
29 provided by law or the Maryland Rules.

30 **2-208.7.**

31 (A) **IN THIS SECTION, "FIRE AND EXPLOSIVE INVESTIGATOR" MEANS AN**
32 **INDIVIDUAL WHO:**

(1) IS ASSIGNED FULL-TIME TO THE FIRE AND EXPLOSIVE INVESTIGATIONS SECTION OF THE CITY OF SALISBURY FIRE MARSHAL'S OFFICE AND IS A PAID EMPLOYEE;

(2) HAS THE RANK OF DEPUTY FIRE MARSHALL OR HIGHER;

(3) HAS SUCCESSFULLY COMPLETED A TRAINING PROGRAM FROM A POLICE TRAINING SCHOOL APPROVED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION ESTABLISHED UNDER TITLE 3, SUBTITLE 2 OF THE PUBLIC SAFETY ARTICLE; AND

(4) IS CERTIFIED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION.

(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A 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 THE CITY OF SALISBURY; AND

(2) WHILE OPERATING OUTSIDE THE CITY OF SALISBURY IF:

(I) THE FIRE AND EXPLOSIVE INVESTIGATOR IS PARTICIPATING IN A JOINT INVESTIGATION WITH OFFICIALS FROM ANOTHER STATE, FEDERAL, OR LOCAL LAW ENFORCEMENT UNIT AND AT LEAST ONE OF THE OTHER OFFICIALS HAS LOCAL JURISDICTION;

(II) THE FIRE AND EXPLOSIVE INVESTIGATOR IS RENDERING ASSISTANCE TO ANOTHER LAW ENFORCEMENT OFFICER;

(III) THE FIRE AND EXPLOSIVE INVESTIGATOR IS ACTING AT THE REQUEST OF A LAW ENFORCEMENT OFFICER; OR

(IV) AN EMERGENCY EXISTS.

(C) THE CITY OF SALISBURY FIRE CHIEF:

(1) MAY LIMIT THE AUTHORITY OF A FIRE AND EXPLOSIVE INVESTIGATOR UNDER THIS SECTION; AND

(2) SHALL EXPRESS THE LIMITATION IN A WRITTEN POLICY.

Article – Public Safety

1–101.

(a) In this article the following words have the meanings indicated.

(c) (2) “Law enforcement officer” does not include:

(x) a Howard County fire and explosive investigator as defined in § 2–208.6 of the Criminal Procedure Article; [or]

(xi) the Chief of Police of the police department of the Johns Hopkins University established in accordance with Title 24, Subtitle 12 of the Education Article; **OR**

(XII) THE CITY OF SALISBURY FIRE AND EXPLOSIVE INVESTIGATOR AS DEFINED IN § 2–208.7 OF THE CRIMINAL PROCEDURE ARTICLE.

3–201.

(a) In this subtitle the following words have the meanings indicated.

(f) (2) “Police officer” includes:

(ix) a City of Hagerstown fire and explosive investigator as defined in § 2–208.5 of the Criminal Procedure Article; [and]

(x) a Howard County fire and explosive investigator as defined in § 2–208.6 of the Criminal Procedure Article; **AND**

(XI) A CITY OF SALISBURY FIRE AND EXPLOSIVE INVESTIGATOR AS DEFINED IN § 2–208.7 OF THE CRIMINAL PROCEDURE ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.