

CHAPTER 311

(Senate Bill 248)

AN ACT concerning

Administrative Search Warrants - Fire Prevention Inspections

FOR the purpose of authorizing a judge of the District Court or Circuit Court to issue an administrative search warrant under certain circumstances to certain individuals in order to conduct a fire prevention inspection; requiring that the application for an administrative search warrant contain certain information; providing for the execution and return of the warrant; providing that information obtained pursuant to an administrative search shall not be considered confidential as--to-the-owner-or-occupant-of-the-premises; ; providing certain exceptions to the confidentiality of information obtained; and generally relating to administrative search warrants for conducting fire prevention inspections.

BY adding to

Article 38A - Fires and Investigations
Section 8B
Annotated Code of Maryland
(1982 Replacement Volume and 1985 Supplement)

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

Article 38A - Fires and Investigations

8B.

(A) THE STATE FIRE MARSHAL OR HIS DESIGNEE OR A FULL-TIME FIRE PREVENTION INSPECTOR WHO IS ~~A-MEMBER-OF~~ EMPLOYED BY A FIRE DEPARTMENT MAY APPLY TO A JUDGE OF THE DISTRICT COURT OR A CIRCUIT COURT FOR AN ADMINISTRATIVE SEARCH WARRANT TO ENTER ANY FACTORY, WAREHOUSE, BUILDING, ESTABLISHMENT, OR OTHER PREMISES TO CONDUCT A FIRE PREVENTION INSPECTION.

(B) THE APPLICATION SHALL BE IN WRITING AND SIGNED AND SWORN TO BY THE APPLICANT AND SHALL PARTICULARLY DESCRIBE THE PREMISES TO BE SEARCHED AND THE NATURE, SCOPE, AND PURPOSE OF THE SEARCH TO BE PERFORMED BY THE APPLICANT.

(C) A JUDGE OF A COURT REFERRED TO IN SUBSECTION (A) OF THIS SECTION MAY ISSUE THE WARRANT ON FINDING THAT:

(1) THE APPLICANT IS AUTHORIZED OR REQUIRED BY LAW TO MAKE THE INSPECTION;