

[(14)] (15) Section 409 (relating to murder committed in burning barns, etc.);

[(15)] (16) Section 410 (relating to murder committed in perpetration of rape in any degree, sexual offense in the first or second degree, sodomy, etc.);

[(16)] (17) Section 411 (relating to second degree murder);

[(17)] (18) Section 411A (relating to attempted murder in the first or second degree);

[(18)] (19) Sections 462 and 463 (relating to rape in the first and second degree);

[(19)] (20) Section 464F (relating to attempted rape or sexual offense in the first or second degree);

[(20)] (21) Section 486 (relating to robbery generally); and

[(21)] (22) Section 488 (relating to robbery with a deadly weapon).

(d) If a person is charged with an offense listed in subsection (c) of this section after being convicted for an offense listed in subsection (c) of this section, the person may not be released on personal recognizance.

#### **Article 38A – Fires and Investigations**

8.

(g) (1) The State Fire Marshal, in making this inspection or investigation, may, when in his judgment necessary, take the testimony on oath of all persons supposed to be cognizant of any facts, or to have the means of knowledge in relation to the matter herein required to be examined and inquired into, and to cause the testimony to be reduced to writing; and when, in his judgment, the examination discloses that the fire or explosion or attempt to cause a fire or explosion was of incendiary origin OR WAS RELATED TO A DESTRUCTIVE DEVICE AS DEFINED IN ARTICLE 27, § 139A OF THE CODE, the State Fire Marshal may arrest the supposed incendiary or cause him to be arrested and charged with the crime; and shall transmit a copy of the testimony so taken to the State's Attorney for the county or city wherein the fire or explosion or attempt to cause a fire or explosion occurred.

(2) If, upon investigation, the State Fire Marshal has probable cause to believe that a person has committed or has attempted to commit a crime involving a fire, fire bombing, or false alarm, or involving the possession or manufacture of [explosive] DESTRUCTIVE devices or EXPLOSIVE substances, fireworks, or fire bombs, the State Fire Marshal may arrest that person or cause him to be arrested and charged with the crime, in accordance with the appropriate procedures provided by law.

COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27): The changes to this section are intended to clarify the authority of the State Fire Marshal to investigate and charge for any offense involving destructive devices, regardless of whether incendiary materials are involved.