

# ENROLLMENT(S)

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# COUNCIL OF THE DISTRICT OF COLUMBIA

## NOTICE

### D.C. LAW 12-176

#### "Arson Investigator Amendment Act of 1998"

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 12-485, on first and second readings, May 5, 1998 and June 2, 1998, respectively. Following the signature of the Mayor on July 20, 1998, pursuant to Section 404(e) of "the Act", and was assigned Act No. 12-418 and published in the August 14, 1998, edition of the D.C. Register (Vol. 45 page 5662) and transmitted to Congress on January 25, 1999 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 12-176, effective March 26, 1999.



LINDA W CROPP  
Chairman of the Council

#### Dates Counted During the 30-day Congressional Review Period:

Feb. 2,3,4,8,9,10,11,12,22,23,24,25

Mar. 1,2,3,4,5,8,9,10,11,15,16,17,18,19,22,23,24,25

AN ACT

D.C. ACT 12-418

*Codification  
District of  
Columbia  
Code  
1999 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 20, 1998

To grant the Fire Chief, the Fire Marshal, and other authorized personnel certain law enforcement authority; to amend title 12D of the District of Columbia Municipal Regulations to grant the Fire Chief, the Fire Marshal, and other authorized personnel, certain law enforcement authority; to amend section 23-501 of the District of Columbia Code to expand the definition of the term law enforcement officer to include certain Fire Department personnel; and to amend the Firearms Control Regulation Act of 1975 to authorize the Chief of Police, in his discretion, to issue a registration certificate to allow certain Fire Department personnel to possess or control a destructive device or firearm.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Arson Investigators Amendment Act of 1998".

Sec. 2. Fire and Arson Investigation--Authority generally; authority to enter and examine; arrest and warrant powers.

*New Section  
4-317.1*

(a) The Fire Chief, the Fire Marshal, and his authorized representative shall have the authority to investigate the cause, origin, and circumstances of every fire, explosion, or hazardous materials emergency in which the Fire Department has a reasonable interest. When the Fire Chief, the Fire Marshal, or his authorized representative has reason to believe that a fire, explosion, or hazardous materials incident may be the result of a violation of any law, he shall immediately take custody of and safeguard all physical evidence in connection therewith, and shall have the authority to prohibit the disturbance or removal of any material, substance, device, or utility in, or upon, any building or property where the emergency occurred until such time as the investigation of the incident is complete. Provided, however, that the Metropolitan Police Department shall be the primary investigative agency in fires, explosions, and hazardous materials incidents involving critical injury, death, or assaults with intent to kill.

(b) The Fire Chief, the Fire Marshal, or his authorized representative shall have the authority at all times, in performance of the duties imposed by the provisions of this section, to enter upon or examine any area, building or premises, vehicle or other thing when there is probable cause to believe that fires or attempts to cause fires exist or which at the time are burning. He shall have the authority to enter, at any time, any building or property adjacent to

that on which the fire or attempt to cause fires occurred, should he deem it necessary in the proper discharge of his duties, and may, at his discretion, take full control and custody of such buildings and premises and place such person in charge thereof as he may deem proper until his examination and investigation shall be complete.

(c) The Fire Marshal and such other personnel, as are designated in writing by the Fire Chief, shall have and exercise and are hereby invested with, the same general police powers including arrest powers as regular members of the Metropolitan Police Department for the express purpose of enforcing the fire safety laws in effect in the District of Columbia, including, but not limited to, this section. This power shall extend to any arrest, the securing of warrants pursuant to Chapter 5 of Title 23 of the D.C. Code, or other lawful action necessary to permit the peaceful completion of any lawful action by the Fire Department. Provided, that the Fire Marshall and other designated arson investigators, shall have successfully completed a course of training in the safe handling of firearms and the use of deadly force, and each person shall be qualified to use a firearm according to the standards applicable to officers of the Metropolitan Police Department. The employee may not carry a firearm in the course of official duties unless designated by the Fire Chief in writing as having the authority to carry a firearm. The Fire Chief shall issue written guidelines pertaining to the authority to carry firearms, the appropriate use of firearms, firearms issuance and security, the use of force including prohibitions on the use of the chokehold pursuant to the Limitation on the Use of the Chokehold Act of 1985, effective January 25, 1986 (D.C. Law 6-77; D.C. Code § 4-188 *et seq.*), searches and seizures, and arrests.

Sec. 3. Title 12D of the District of Columbia Municipal Regulations, adopted November 27, 1992 (39 DCMR 8911), is amended as follows: DCMR

(a) Section F-108.1 is amended to read as follows:

"F-108.1 Fire and arson investigation--authority generally: The Fire Chief, the Fire Marshal, and his authorized representative shall have the authority to investigate the cause, origin, and circumstances of every fire, explosion, or hazardous materials emergency in which the Fire Department has a reasonable interest. When the Fire Chief, the Fire Marshal, or his authorized representative has reason to believe that a fire, explosion, or hazardous materials incident may be the result of a violation of any law, he shall immediately take custody of and safeguard all physical evidence in connection therewith, and shall have the authority to prohibit the disturbance or removal of any material, substance, device, or utility in, or upon, any building or property where an incident occurred until the investigation of the incident is complete. Provided however, that the Metropolitan Police Department shall be the primary investigative agency in incidents fires, explosions, and hazardous materials incidents involving critical injury, death, or assaults with intent to kill."

(b) A new section F-108.3 is added to read as follows:

"F-108.3 Authority to enter and examine: The Fire Chief, the Fire Marshal, or his

**ENROLLED ORIGINAL**

authorized representative shall have the authority at all times, in performance of the duties imposed by the provisions of this subsection, to enter upon or examine any area, building or premises, vehicle or other thing when there is probable cause to believe that fires or attempts to cause fires exist or which at the time be burning. He shall have the authority to enter, at any time, any building or property adjacent to that on which the fire or attempt to cause fires has occurred should he deem it necessary in the proper discharge of his duties, and may, at his discretion, take full control and custody of such buildings and premises and place such person in charge thereof as he may deem proper until his examination and investigation shall be complete."

(c) A new section F-108.4 is added to read as follows:

"F-108.4 Arrest and warrant powers: The Fire Marshal and such other personnel as are designated in writing by the Fire Chief shall have and exercise, and are hereby invested with, the same general police powers including arrest powers as regular members of the Metropolitan Police Department for the express purpose of enforcing the fire safety laws in effect in the District of Columbia, including, but not limited to, this subsection. This power shall extend to any arrest, the securing of warrants pursuant to Chapter 5 of Title 23 of the D.C. Code or other lawful action necessary to permit the peaceful completion of any lawful action by the Fire Department."

Sec. 4. Section 23-501(2) of the District of Columbia Code is amended to read as follows:

**Section  
23-501**

"(2) The term "law enforcement officer" means an officer or member of the Metropolitan Police Department of the District of Columbia, or of any other police force operating in the District of Columbia; an investigative officer or agent of the United States; animal control officer employed by the District of Columbia; or the Fire Marshal and any member of the Fire and Arson Investigation Unit of the Fire Prevention Bureau of the Fire Department of the District of Columbia, for the purpose of enforcing arson and the fire safety laws of the District of Columbia, who is so designated in writing by the Fire Chief."

Sec. 5. Section 201(a) of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Code § 6-2311(a)), is amended by adding a new paragraph (3) to read as follows:

**Section  
6-2311**

"(3) In the discretion of the Chief of Police, to the Fire Marshal and any member of the Fire and Arson Investigation Unit of the Fire Prevention Bureau of the Fire Department of the District of Columbia, who is designated in writing by the Fire Chief, for the purpose of enforcing the arson and fire safety laws of the District of Columbia."

Sec. 6. The Council adopts the fiscal impact statement in the committee report as the fiscal impact required by section 602(c)(3) of the District of Columbia Home Rule Act, approved

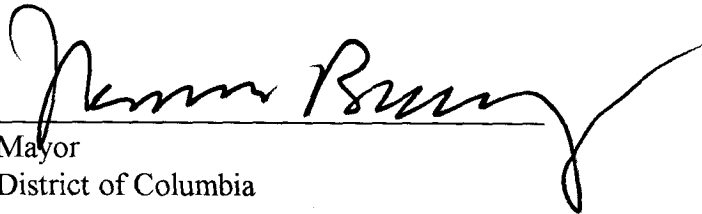
**ENROLLED ORIGINAL**

December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(3)).

Sec. 7. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED: July 20, 1998



COUNCIL OF THE DISTRICT OF COLUMBIA  
 COUNCIL PERIOD TWELVE  
 RECORD OF OFFICIAL COUNCIL VOTE

Docket No. B12-485

ITEM ON CONSENT CALENDAR  
 ACTION & DATE ADOPTED FIRST READING, 6-16-98  
 VOICE VOTE APPROVED  
 RECORDED VOTE ON REQUEST CHAVOUS AND THOMAS  
 ABSENT \_\_\_\_\_

ROLL CALL VOTE - Result \_\_\_\_\_

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote AB - Absent NV - Present not Voting

CERTIFICATION RECORD  
 \_\_\_\_\_ Secretary to the Council  
 \_\_\_\_\_ Date July 9, 1998

ITEM ON CONSENT CALENDAR  
 ACTION & DATE ADOPTED FINAL READING, 7-7-98  
 VOICE VOTE APPROVED  
 RECORDED VOTE ON REQUEST ALL PRESENT  
 ABSENT \_\_\_\_\_

ROLL CALL VOTE - Result \_\_\_\_\_

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote AB - Absent NV - Present not voting

CERTIFICATION RECORD  
 \_\_\_\_\_ Secretary to the Council  
 \_\_\_\_\_ Date July 9, 1998

ITEM ON CONSENT CALENDAR  
 ACTION & DATE \_\_\_\_\_  
 VOICE VOTE \_\_\_\_\_  
 RECORDED VOTE ON REQUEST \_\_\_\_\_  
 ABSENT \_\_\_\_\_

ROLL CALL VOTE - Result \_\_\_\_\_

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote AB - Absent NV - Present not Voting

CERTIFICATION RECORD  
 \_\_\_\_\_ Secretary to the Council  
 \_\_\_\_\_ Date