



Massachusetts State Police
Office of the State Fire Marshal
Phone (978) 567-3310 Fax (978) 567-3119

Quick Reference Guide
Massachusetts General Laws
For Crimes Related to Fire and Explosions
Version 8--2010 FEIS 1

CRIMES AGAINST ENVIRONMENT- Ch 48

Arson Related Laws

- Burning without a permit out of season (48-13) 1 month \$500 + suppression costs
- Setting open fires; penalty for violation (48-13) 1 month or \$500 + suppression cost

REGISTRATION OF CERTAIN PROFESSIONS AND LICENSES- Ch 112 12A

Other Laws Related to Arson, Explosions and Juveniles Offenses

- Report victims of burns >5%, gunshot shot wounds (112.12A) \$100

PROTECTION/ CARE OF CHILDREN PROCEEDINGS AGAINST THEM - Ch 119

- CHINS Petition for failure to attend school, persistent runaway, refusal to obey parents. (119.39E)
- Mandatory Reporting Statute
 - A firefighter or policeman in his professional capacity shall have reasonable cause to believe that a child under the age of eighteen is suffering physical or emotional injury resulting from abuse inflicted upon him which causes harm or substantial risk of harm to the child's health or welfare including sexual abuse, or from neglect, including malnutrition, or who is determined to be physically dependent upon an addictive drug at birth shall immediately report such condition to department by oral communication and by making a written report within forty-eight hours after such oral communication. Any such person so required to make such oral and written reports who fails to do so shall be punished by a fine of not more than one thousand dollars. Any person who knowingly files a report of child abuse that is frivolous shall be punished by a fine of not more than one thousand dollars. No person so required to report shall be liable in any civil or criminal action by reason of such report (119.51A)
- The department shall investigate and evaluate the information reported under section fifty-one A. Said investigation and evaluation shall commence within two hours of initial contact and be completed within twenty-four hours if the department has reasonable cause to believe the child's health or safety is in immediate danger from further abuse and neglect. (119.51B)
- Child must be brought before the court by a summons, cannot arrest child. (119.54)

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- Definitions pertaining to delinquent children;
 - A **delinquent child** is between seven and seventeen who violates any city ordinance or town by-law or who commits any offense against a law of the commonwealth.
 - A **youthful offender** is a person who is subject to an adult or juvenile sentence for having committed while between the ages of fourteen and seventeen, an offense against a law of the commonwealth which, if he were an adult, would be punishable by imprisonment in the state prison, and (a) has previously been committed to the department of youth services, or (b) has committed an offense which involves the infliction or threat of serious bodily harm in violation of the law or (c) has committed a violation of paragraph (a), (c) or (d) of section ten or section ten E of Ch 269. (Ch 119.52)
- A child under seven years of age presumed incapable of committing a crime. (119.62)

ARSONIST/BOMB MAKER- NOTICE OF RELEASE Ch 127 Sec 162A

- Superintendent of Correctional Institution shall immediately prior to the release notify the State Fire Marshal Office of the intended date of release.

FIRE PREVENTION- Ch 148

Explosive Related Laws

- Possession of a Bomb (148-35) 2 ½ yrs \$1000
- Transportation of gunpowder and other explosives or explosive or inflammable fluids or compounds (148-15) a fine of not more than \$1,000 or not more than one year, or both.
- Keeps stores, manufactures, uses, sells, handles or dispose of Fireworks or Explosives or otherwise stated in Ch 148-9 (148-16) not more than \$100 not or more than 1 month or both
- Non issuance, non renewal and suspension of blasting license (148-20B) for individual subject of restraining order under CH 209A
- Sales, possession, use, etc. of combustible or explosive substances to produce visible or audible effects; fireworks (148-39) fine of not less than \$100 nor more than \$1,000 or imprisonment for not more 1yr or both
- Whoever manufactures or sells or knowingly uses, or has in possession for the purpose of sale, any golf ball containing any acid, fluid, gas or other substance tending to cause the ball to explode and to inflict bodily injury (148-55) first offence not more than \$500, and for any subsequent offence not more than \$1,000 or not more than 1yr, or both

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Other Laws Related to Arson, Explosions and Juveniles Offenses

- Check 527 CMR for other related laws
- Discharging a fire extinguisher (148-27A) 1yr or \$1000
- Fire Inspections entry of premises (148-4)
- Fire Marshal's Investigation/Inquest (148-3)
- Fireworks, Possession of (148.39) 1 yr or \$1000
- Heads of Fire Department, Inspections, Records, Permits (148.10A)
- Investigation of fires and explosions (148-2)
- License and permits for manufacture of fireworks, sale, transfer or exchange of explosive materials (148-12) 2 ½ yrs or \$5,000
- Lighted cigarettes likely to cause fire; dropping or throwing from vehicles or placing on forest land or fields (148.54) \$100 or 30 days
- Power of Marshal to Require Assistance (148-33)
- Public Safety and Good Order fireworks, explosives and inflammable materials keeps, stores, handles, manufactures, handles or stores (148-26) \$100 or 1 month
- School Report of Fire to Local Fire Department- Principle of any public or private school that provides instruction to pupils Grades 1-12 shall immediately report any unauthorized ignition of any fire within the school building or on school grounds to the local fire department. The principle shall submit a written report of the incident to the head of the fire department within 24 hours on a form furnished by the Department of Fire Services. The report shall be filled without regard to the extent of the fire or whether there was a response by the fire department. The head of the fire department shall report to the Marshal of the incidents in accordance to section two. (148-2A) \$100 per 148-34 Violation of Statues Except in the case of continuing offense after receiving a notice.
- Sharing Information with insurers (Arson Immunity) 148-32
- Violations of Regulations of 148.10A (148-10B) Up to \$1000

TENANT RELOCATION STATUTE- Ch 175 Section 99

- Every policy which insures multi-unit residential property against loss of damage by fire shall provide addition benefits, by endorsements attached to the policy, up to a limit of \$750 without deductible, for each rental unit to cover the actual cost of relocation of any tenant or lawful occupant displace by fire or damage resulting from fire. The actual cost of relocation shall include but not be limited to, hotel room rental, a security deposit and first month rent for a new rental if the security deposit or last rent is not already due and owing from the landlord to the tenant, replacement of personal goods...

DISCLOSURE OF INSURANCE INFORMATION-Ch 186 Section 21

- Failure to disclose within 15 days of request by law enforcement will result a fine of NMT \$500

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PARENTS' LIABILITY FOR WILLFUL ACTS OF MINOR CHILDREN-
Ch 231 Section 85G

- Parents of an unemancipated child under the age of eighteen and over the age of seven years shall be liable in a civil action for any willful act committed by said child which results in injury or death to another person or damage to the property of another.
- This section shall not apply to a parent who, as a result of a decree of any court of competent jurisdiction, does not have custody of such child at the time of the commission of the tort.
- Recovery under this section shall be limited to the amount of proved loss or damage but in no event shall it exceed five thousand dollars.

CRIMES AGAINST PEOPLE- Ch 265

Other Laws Related to Arson, Explosions and Juveniles Offenses

- Assault, Assault & Battery- Dangerous Weapon (265.13A, 15A) 15 yrs or \$10,000
- Injuring a firefighter/line of duty (265.13D ½) 2 ½ yrs or \$5000
- Reckless endangerment of a child (265.13L) 2 ½ yrs
- Manslaughter (265-13) 20 yrs
- Murder (265-1) Max Life Imprisonment
- Throw/drop object with intent injure on a public Way (265.35), at a sport event (265.36) 1 yr \$500

CRIMES AGAINST PROPERTY- Ch 266

Arson Related Laws

- Attempt to Burn Dwelling, Structure, Personal. Prop. Vehicle (266.5A) 10 yrs or \$1000
- Burn a Building or Structure (266.2) 10 yrs
- Burn a Dwelling / Arson (266.1) 20 yrs or \$10,000 or both
- Burn Personal Property over \$25 or a vehicle (266.5) 3 yrs or \$500
- Burning a Wooded Area (266.7) 2 yrs or \$1000
- Burning with Intent to Defraud an Insurer (266-10) 5 yrs

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New Explosive Related Laws-Effective July 15th 2010

- Definitions (266-101) of ammunition, biological weapons, black powder, chemical weapon, delivery system, denial of access, destructive or incendiary device or substance, element, explosive, hoax explosive, hoax destructive or incendiary device or hoax chemical, biological, or nuclear weapon, nuclear weapon, oxidizer, pyrotechnic small arms ammunition, and smokeless powder.
- Possession of destructive or incendiary device
 - 266-102(a) prohibits the possession of component parts capable of creating a destructive or incendiary device. HOC 2½ years or state prison for not less than 5 years, not more than 10 years or by a fine of \$25,000 or by both fine and imprisonment.
 - 266-102(b) prohibits hoax explosives or dangerous devices. HOC 2½ years or state prison not more than 5 years, fine of not more than \$10,000 or both.
 - 266-102(c) prohibits possession of actual explosives and destructive devices. HOC 2½ years or for not less than 10 years not more than 20 years in state prison, or by a fine of not more than \$25,000 or both.
- Secretes, throws, launches, or placing of a destructive or incendiary device/substance
 - 266-102A – by secreting, throws, launches, or placing of a destructive or incendiary device/substance, WITH intent to create fear or panic, to ignite/explode/discharge such explosive or destructive or incendiary device, or release or discharge a biological, chemical or nuclear weapon. Imprisonment not more than 2½ years in the HOC or for not less than 10 years, not more than 25 years in state prison, or by a fine of not more than \$25,000 or both.
- Discharging, igniting, or exploding any destructive or incendiary device/substance
 - 266-102B – punishable by imprisonment in state prison not less than 15 years (not more than 25 years) or by a fine of \$50,000 or both.
- Unlawful development, production, stockpiles, acquires, transports, possesses, controls, places/secretes, or uses biological, chemical or nuclear weapons or delivery systems with intent to cause death, bodily injury, or property damage
 - 266-102C - Imprisonment in HOC not more than 2½ years or imprisonment in the state prison for not more than 25 years, or by a fine of not more than \$50,000 or both fine and imprisonment.

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- Seizure of explosives, destructive/incendiary device/substance, any weapon or component parts
 - 266-102D – anything seized shall be sent to the State Fire Marshal by the seizing Officer. Marshal will make safe any item seized; upon conviction the explosive device, substance, or weapon will be handed over to the state and will be disposed of by the Fire Marshal. Hearing will also be held to determine restitution for costs incurred, damages and final losses suffered.

Other Laws Related to Arson, Explosions and Juveniles Offenses

- Breaking glass in building of another, injure, deface fence, etc. (266.114) 6 months or \$500
- Breaking/Entering (266.16); Burglary (266.14, 15) Life in prison
- Dest. Property, Malicious/ wanton (266.127) 10 yrs or \$3000 or three times property destroyed
- Destroy/ injury to building (266-104) 2months \$50
- Disabling a Fire Engine (266.13) 2 yrs or \$500
- Disturbing Schools or Assemblies (266.40) 20 yrs
- Embezzlement of Property at Fire (266-23) 5yrs \$500
- Filing a False Fire Insurance Claim (266.111A) 5 yrs or \$10,000 or both
- Fire Alarm or Fire Engine, Damaging (266.11, 12) 7 yrs or \$1000
- Fire alarm, Tampering with / before a fire (266.11) 2 yrs \$500
- Fire alarm, Tampering with / during a fire (266.12) 7 yrs or \$1000
- Fraudulent vehicle insurance claims (266-111B) 5yrs \$10,000
- Hotel owner-duty to notify of fire (266-13A) 2 ½ yrs \$1,000
- Injury/damage to defaces Building- (266.104) 2 months \$50/ 2 yrs \$1000
- Injury/ damage to School/Church (266.98) 2 months \$50/ 2 yrs \$1000
- Larceny at a Fire (266.24) 5 yrs or \$500
- Malicious destruction prop. (266.127) 10 yrs or \$3000/ three times amount of destroyed property
- Malicious Injury to legal notice, trespass notice (266.122, 124) \$25
- Negligent burn/ failure extinguish fire, which damages another's property (266.8/9) 2 yrs/\$1000
- Negligently allowing a fire to spread to another's property (266.8) 2 yrs \$1000
- Removal of vehicle to defraud insurer (266-27a) restitution
- Standing timber or wood, Injuring (266.113) 6 months \$500
- Stealing at a Fire (266.24) 5 yrs \$500
- Sworn statement re Vehicle fire (266-29B) owner must comply
- Sworn Statement re: vehicle theft (266-29) owner must comply
- Theft or Damage of Motor Vehicle (266-28) 15yrs \$15,000
- Threat to burn a church, building (266.127A) 2 ½ yrs \$2000
- Threat to burn or damage to church/ school (266-127a) 2½ yrs \$2000 or 3x amount
- Trespass (266.122) \$25
- Vandalism- deface prop. public building monument, library book (266.95-100, 126A) 5 yrs

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- \$25,000 Wanton damage to fire apparatus (266-13) 2yrs \$500 fine

CRIMES AGAINST PUBLIC JUSTICE- Ch 268

Other Laws Related to Arson, Explosions and Juveniles Offenses

- Fire Alarm Box, Tampering with (268.32) 2 yrs \$1000
- Interfering or hindering a firefighter in line of duty (268.32A) 5 yrs \$1000 or both
- Perjury (268-1) life/20yrs \$1,000
- Perjury re: motor vehicle theft (268-39) 2yrs \$2,000
- Resisting arrest (268-32b) 2 ½ yrs \$500
- Statements made under penalty of perjury (268-1A) signature=guilt of perjury
- Tampering with alarms-false alarms (268-32) 2yrs \$1,000
- Whoever disguises himself with intent to obstruct the due execution of the law, or to intimidate, hinder or interrupt an officer or other person in lawful performance of his duty, or in the exercise of his rights under the constitution or laws of the commonwealth, whether such intent is effected or not. (268-34) Fine of not more than five hundred dollars or imprisonment for not more than one year.
- Falsely assuming to be justice of the peace or other officers (268-33) Fine of not more than four hundred dollars or by imprisonment for not more than one year.
- Unauthorized use of town seal; making or possessing badge of town officer (268-35) Fine of not more than fifty dollars.

CRIMES AGAINST PUBLIC PEACE- Ch 269

Explosive Related Laws

- Bomb, False Report of (269.14) 20 yrs or \$50,000 or both
- Bomb/ Deadly weapon, explosives, chemical or biological agents, a poison, a harmful radioactive substance, other deadly device or substance; or any other device threatened use or presence; threat to hijack; disruption of school, public building or transport a venue via internet, mail, orally, telephone, postal or any electronic device (269.14) 20 yrs or \$10,000 or both

Other Laws Related to Arson, Explosions and Juveniles Offenses

- False Fire Alarm (269.13) 1 yr or \$500
- False report of fire (269-13) 1 yr or \$500

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