



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 7-4/2/07

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 CHILDRED PROCEEDINGS AGAINST THEM - Ch 119

- CHINS Petition for failure to attend school, persistent runaway, refusal to obey parents. (119.39E)
- Mandatory Reporting Statue
 - 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)
- Definitions pertaining to delinquent children;

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- A **delinquent child** is between seven and seventeen who violates any city ordinance or town by-law or who commits any offence 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; 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
- 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

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)

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- 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 Statutes 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 displaced 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

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

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- 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

Explosive Related Laws

- Bomb- Hoax device or hoax substance with the intent to cause anxiety, unrest, fear or personal discomfort to any person (266.102A ½) imprisonment of not more than 5 yrs or \$5,000 or both, including cost incurred, damages and financial loss suffered by local, county or state public safety officials.
- Bomb, Throwing a at a Person/Property (266.102) 20 yrs or \$25,000 or both
- Explosives, willful throwing (266.102) 20 yrs or \$25,000 or both
- Explosion, Malicious (266.101) 20 yrs or \$1000
- Explosive-Infernal Machine/ Possession of an (266.102A) 10 yrs or \$1000 or both
- Explosive-Molotov Cocktail (266.102B) 5 yrs or \$1000 or both
- Molotov Cocktail, Possession of (266.102B) 5 yrs or \$1000 or both

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

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- 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. pub building monument, library book (266.95-100, 126A) 5 yrs \$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.

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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

CRIMES AGAINST PUBLIC HEALTH- Ch 270

Arson Related Laws

- Burning Rubbish w/in Marine Boundary or 12 miles from Shoreline (270.20) \$1000

Other Laws Related to Arson, Explosions and Juveniles Offenses

- Smoking Violation Public place (270.21 & 22) \$300 check town bylaws
- School rules Violations (see student handbook to determine if violation)

CRIMES AGAINST CHASTITY, MORALITY, DECENCY & GOOD ORDER- Ch 272

Other Laws Related to Arson, Explosions and Juveniles Offenses

- Cruelty to Animals (272.77) 1 yr or \$1000 or both
- Disorderliness in Public Conveyance (272.43) 1 month or \$50
- Disorderly Conduct (272.53) 6 months or \$200 or both
- Disturbing Funeral (272.42 & 42A) 1 month \$50
- Disturbing Library (272.41) 30 days or \$100
- Disturbing the Peace (272.53) 6 months or \$200 or both

FELONIES ACCESSORIES ATTEMPTS- Ch 274

Explosive Related Laws

- Conspiracy to commit arson or other crime (274.7) Death or \$10,000

Other Laws Related to Arson, Explosions and Juveniles Offenses

- Accessories after the fact (274-4) 7yrs \$1,000
- Accessory before the fact of felony (274-2) max of principal felony
- Attempt to Commit a Crime (274-6) 5yrs
- Prosecution of accessories before the fact (274-3) max of principal felony

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PROCEEDS TO PREVENT CRIMES- Ch 275

Other Laws Related to Arson, Explosions and Juveniles Offenses

- Threat to commit a crime (275.2) Subscribed by complainant

PROCEEDS TO PREVENT CRIMES- Ch 277

Other Law Related to Arson, Explosions and Juveniles Offenses

- **Statue of Limitations of Criminal Prosecutions**-Indictment for any other crime (i.e. arson) shall be found and filed **within six years** after such crime has been committed; excluding any period of where the defendant is not usually and publicly a resident within the commonwealth shall be excluded in determining the time limit. (277.63)

527 CMR 1.00 Administration and Enforcement

- Duties of the Head of the Fire Department- 527 CMR1.00 (8) In event of... hazardous materials constitutes a fire or explosion hazard which is dangerous or unsafe or a menace to public safety including but not limited to fires, explosion, hazardous materials incidents... the head of the fire department has the authority to evacuate the building and/or transport the hazardous materials.
- Orders to eliminate dangerous or Hazardous Conditions – 527 CMR 1.06 (4) The head of the fire department has the authority to order the immediate evacuation of the building, structure or premise when in his/her opinion there is actual and potential danger to the occupants or those in the proximity of any building, structure, premise because of unsafe structure conditions, or inadequacy of means of egress, presence of explosives, explosive fumes or vapors or the presence of toxic fumes or materials. Occupants shall immediately vacate the building, structure or premise and shall not re-enter unless authorized by the **head of the fire department**.

527 CMR 1.07 Penalties

- Violation of Order (1) Violating the order of the head of the fire department punished by a fine of \$50 each day in which the violation continues (MGL c 148.30)
- Violation of Fire Code (2) Any person who knowingly violates a rule or regulation of 527 CMR, except as otherwise provided shall be punished by a fine of not less than \$100 and no more than \$1,000 (MGL c148.10B)
- Violation of a Fire Law (3) any person violating a provision of MGL 148 shall be punished by a fine of \$100 or in a case of a continuing offense after notice of such violation, to a fine of not \$100 for every day the violation continues. (MGL c148.4)

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