

SENATE BILL No. 206

By Committee on Federal and State Affairs

2-19

1 AN ACT concerning the state fire marshal; relating to law enforcement
2 powers; fire safety prevention standards; requiring investigation of fire
3 deaths; amending K.S.A. 31-158 and K.S.A. 2018 Supp. 31-157 and
4 repealing the existing sections.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 New Section 1. Whenever the death of a person occurs as a result of
8 fire, or when the body of a deceased person is discovered at the scene of a
9 fire, an investigation regarding the circumstances of the death shall be
10 initiated by the state fire marshal. The chief of any organized fire
11 department, regular or volunteer, or the chief law enforcement officer
12 where no fire department exists, shall immediately report the name and
13 address of the deceased person to the state fire marshal.

14 Sec. 2. K.S.A. 2018 Supp. 31-157 is hereby amended to read as
15 follows: 31-157. (a) The state fire marshal; *and the state fire marshal's*
16 *deputies* ~~and~~ *shall have the authority to make arrests, conduct searches*
17 *and seizures and carry firearms while investigating violations of laws by*
18 *the state fire marshal and generally to enforce all the criminal laws of the*
19 *state as violations of those laws, encountered by such agents during the*
20 *routine performance of the agents' duties.*

21 (b) Full-time fire prevention personnel assigned investigation duties
22 who are members of a paid fire department who have been certified by the
23 state fire marshal pursuant to this section shall have the authority to make
24 arrests, carry firearms and conduct searches and seizures while
25 investigating any fire or explosion in which arson or attempted arson is
26 suspected or in which there is an attempt or suspected attempt to defraud
27 an insurance company *and that occurred within the jurisdiction of that fire*
28 *department.* Any affidavits necessary to authorize arrests, searches or
29 seizures pursuant to this section shall be made in accordance with K.S.A.
30 22-2302 and 22-2502, and amendments thereto.

31 (b)(c) The state fire marshal, with the assistance of an advisory
32 committee appointed pursuant to K.S.A. 31-135, and amendments thereto,
33 shall adopt rules and regulations and specify the number of investigators
34 for departments or areas and establish standards for certification of
35 members of fire departments to make arrests, carry firearms and conduct
36 searches and seizures pursuant to this section. No fire department

1 personnel shall be certified to carry firearms under the provisions of this
2 act without having first successfully completed the firearm training course
3 or courses prescribed for law enforcement officers under K.S.A. 74-5604a,
4 and amendments thereto.

5 ~~(e)~~(d) With the exception of firearms training, nothing in this section
6 shall be construed to require persons employed prior to the effective date
7 of this act to comply with the standards established by the state fire
8 marshal pursuant to this section as a condition of continued employment,
9 and such persons' failure to comply with such standards shall not make
10 such persons ineligible for any promotional examination for which they
11 are otherwise eligible or affect in any way any pension rights to which
12 they are entitled on the effective date of this act.

13 Sec. 3. K.S.A. 31-158 is hereby amended to read as follows: 31-158.

14 (a) No person shall knowingly sell or offer for sale in this state to any fire
15 department any item of clothing or equipment intended to protect
16 firefighters from death or injury while fighting fires unless the item of
17 clothing or equipment meets or exceeds the minimum standards
18 established for such item of clothing or equipment ~~by in the standards of~~
19 ~~the national fire protection association, in effect on the effective date of~~
20 ~~this act designated by the state fire marshal through adoption of rules and~~
21 ~~regulations.~~

22 (b) No fire department shall purchase in this state any item of
23 clothing or equipment intended to protect firefighters from death or injury
24 while fighting fires unless the item of clothing or equipment meets or
25 exceeds the minimum standards established for such item of clothing or
26 equipment ~~by in the standards of~~ the national fire protection association, ~~in~~
27 ~~effect on the effective date of this act designated by the state fire marshal~~
28 ~~through adoption of rules and regulations.~~

29 (c) A violation of subsection (a) is a class B misdemeanor.

30 (d) As used in this section, "fire department" means any city, county,
31 township or other public or private fire department.

32 Sec. 4. K.S.A. 31-158 and K.S.A. 2018 Supp. 31-157 are hereby
33 repealed.

34 Sec. 5. This act shall take effect and be in force from and after its
35 publication in the statute book.