

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 **chief of the organized fire department, regular or**
11 **volunteer, or the chief law enforcement officer if no local fire**
12 **department exists, and assisted by the** state fire marshal. ~~The chief of any~~
13 ~~organized fire department, regular or volunteer, or the chief law~~
14 ~~enforcement officer where no fire department exists, shall immediately~~
15 ~~report the name and address of the deceased person to the state fire~~
16 ~~marshal.~~

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

25 (b) Full-time fire prevention personnel assigned investigation duties
26 who are members of a paid fire department who have been certified by the
27 state fire marshal pursuant to this section shall have the authority to make
28 arrests, carry firearms and conduct searches and seizures while
29 investigating any fire or explosion in which arson or attempted arson is
30 suspected or in which there is an attempt or suspected attempt to defraud
31 an insurance company *and that occurred within the jurisdiction of that fire*
32 *department.* Any affidavits necessary to authorize arrests, searches or
33 seizures pursuant to this section shall be made in accordance with K.S.A.
34 22-2302 and 22-2502, and amendments thereto.

35 (b)(c) The state fire marshal, with the assistance of an advisory
36 committee appointed pursuant to K.S.A. 31-135, and amendments thereto,

1 shall adopt rules and regulations and specify the number of investigators
2 for departments or areas and establish standards for certification of
3 members of fire departments to make arrests, carry firearms and conduct
4 searches and seizures pursuant to this section. No fire department
5 personnel shall be certified to carry firearms under the provisions of this
6 act without having first successfully completed the firearm training course
7 or courses prescribed for law enforcement officers under K.S.A. 74-5604a,
8 and amendments thereto.

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

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

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

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

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

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

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

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