

As Amended by House Committee

Session of 2021

HOUSE BILL No. 2415

By Committee on Federal and State Affairs

2-23

1 AN ACT concerning the state fire marshal; relating to law enforcement
2 powers thereof; fire equipment standards; requiring investigation of fire
3 deaths; amending K.S.A. 31-158 and repealing the existing section.
4

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

6 New Section 1. (a) The state fire marshal and investigators of the
7 state fire marshal shall have the authority to make arrests and conduct
8 searches and seizures while investigating violations of laws enforced or
9 administered by the state fire marshal. Such investigators, who are
10 certified law enforcement officers pursuant to K.S.A. 74-5601 et seq., and
11 amendments thereto, shall be authorized to **make arrests, conduct**
12 **searches and seizures and generally to** enforce all criminal laws of the
13 state as ~~such investigators encounter~~ violations of those laws ~~in the course~~
14 ~~of their employment~~ **are encountered by such employees during the**
15 **routine performance of their duties.**

16 (b) Whenever the death of a person occurs as a result of fire, or when
17 the body of a deceased person is discovered at the scene of a fire, ~~an a~~
18 **joint** investigation regarding the circumstances of the death shall be
19 initiated by the chief of the organized fire department, ~~regular or volunteer,~~
20 ~~or and~~ the chief law enforcement officer ~~if no local fire department exists.~~
21 **If there is no local fire department, the joint investigation shall be**
22 **initiated by the chief law enforcement officer and the state fire**
23 **marshal.** The state fire marshal shall assist such official who initiates any
24 such investigation.

25 Sec. 2. K.S.A. 31-158 is hereby amended to read as follows: 31-158.
26 (a) No person shall knowingly sell or offer for sale in this state to any fire
27 department any item of clothing or equipment intended to protect
28 firefighters from death or injury while fighting fires unless the item of
29 clothing or equipment meets or exceeds the minimum standards
30 established for such item of clothing or equipment ~~by in the standards of~~
31 the national fire protection association, ~~in effect on the effective date of~~
32 ~~this act~~ **designated by the state fire marshal by adoption of rules and**
33 **regulations.**

34 (b) No fire department shall purchase in this state any item of
35 clothing or equipment intended to protect firefighters from death or injury
36 while fighting fires unless the item of clothing or equipment meets or

1 exceeds the minimum standards established for such item of clothing or
2 equipment ~~by~~ *in the standards of* the national fire protection association, ~~in~~
3 ~~effect on the effective date of this act~~ *designated by the state fire marshal*
4 *by adoption of rules and regulations.*

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

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

8 Sec. 3. K.S.A. 31-158 is hereby repealed.

9 Sec. 4. This act shall take effect and be in force from and after its
10 publication in the statute book.