

# **WEST VIRGINIA LEGISLATURE**

## **2022 REGULAR SESSION**

**Introduced**

### **Senate Bill 433**

BY SENATOR NELSON

[Introduced January 19, 2022; referred  
to the Committee on Government Organization; and  
then to the Committee on the Judiciary]

1 A BILL to amend and reenact §8-15-1 of the Code of West Virginia, 1931, as amended, relating  
 2 to municipal fire departments; granting municipal fire marshal the authority to assist in the  
 3 lawful execution of another law-enforcement officer's official duties.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 15. FIRE FIGHTING; FIRE COMPANIES AND DEPARTMENTS; CIVIL  
 SERVICE FOR PAID FIRE DEPARTMENTS.**

**§8-15-1. Power and authority of governing body with respect to fires.**

1 The governing body of every municipality shall have plenary power and authority to  
 2 provide for the prevention and extinguishment of fires and, for this purpose, it may, among other  
 3 things, regulate how buildings shall be constructed, procure proper engines and implements,  
 4 provide for the organization, equipment, and government of volunteer fire companies or of a paid  
 5 fire department, prescribe the powers and duties of the companies or department, and of the  
 6 several officers, provide for the appointment of officers to have command of firefighting, prescribe  
 7 what their powers and duties shall be, and impose on those who fail or refuse to obey any lawful  
 8 command of the officers any penalty which the governing body is authorized by law to impose for  
 9 the violation of an ordinance. It may give authority to any the officer or officers to direct the pulling  
 10 down or destroying of any fence, house, building, or other thing, if determined necessary to  
 11 prevent the spreading of a fire. It may give authority to municipal fire marshals to (1) arrest any  
 12 individual disobeying lawful orders at the scene of a fire, (2) arrest any individual who violates  
 13 prohibitions against arson and explosives offenses, malicious burning, obstructing a fire marshal,  
 14 or failing to obey lawful orders, (3) arrest without a warrant, if the unlawful conduct occurs in their  
 15 presence, (4) upon the request of any federal law-enforcement officer, state police officer, natural  
 16 resources police officer, or any county or municipal law-enforcement officer, the municipal fire  
 17 marshal, employed pursuant to the provisions of this article, may assist in the lawful execution of  
 18 the requesting officer's official duties: *Provided*, That the municipal fire marshal, or other person

19 authorized to act under this subsection, shall at all times work under the direct supervision of the  
20 requesting officer, and ~~(4)~~ (5) file criminal complaints with the municipal court or other appropriate  
21 judicial officer in order to obtain a warrant for the arrest and initiate a criminal matter: *Provided,*  
22 That any officer given this authority shall receive initial and annual training that complies with Law  
23 Enforcement Core Training Standards of the West Virginia State Fire Commission and the West  
24 Virginia State Fire Marshal.

NOTE: The purpose of this bill is to provide a municipal fire marshal with the authority to assist a law-enforcement officer when requested.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.