

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 65

By Senator Nelson

[Introduced January 11, 2023; 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 to
 2 municipal fire departments; and granting municipal fire marshal the authority to assist in
 3 the 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.