

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**Committee Substitute**

**for**

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**for**

**Senate Bill 65**

BY SENATOR NELSON, HAMILTON, AND STUART

[Originating in the Committee on The Judiciary;

reported on January 18, 2023]



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; and clarifying that the  
4 authority to assist federal law enforcement is limited by provisions.

*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 (a) The governing body of every municipality ~~shall have~~ has plenary power and authority  
2 to provide for the prevention and extinguishment of fires and, for this purpose, it may, among  
3 other things, regulate how buildings shall be constructed, procure proper engines and  
4 implements, provide for the organization, equipment, and government of volunteer fire companies  
5 or of a paid fire department, prescribe the powers and duties of the companies or department,  
6 and of the several officers, provide for the appointment of officers to have command of firefighting,  
7 prescribe what their powers and duties ~~shall be~~ are, and impose on those who fail or refuse to  
8 obey any lawful command of the officers any penalty which the governing body is authorized by  
9 law to impose for the violation of an ordinance. It may ~~give authority to~~ authorize any the officer  
10 or officers to direct the pulling down or destroying of any fence, house, building, or other thing, if  
11 determined necessary to prevent the spreading of a fire. It may ~~give authority to~~ authorize  
12 municipal fire marshals to (1) arrest any individual disobeying lawful orders at the scene of a fire,  
13 (2) arrest any individual who violates prohibitions against arson and explosive offenses, malicious  
14 burning, obstructing a fire marshal, or failing to obey lawful orders, (3) arrest without a warrant, if  
15 the unlawful conduct occurs in their presence and (4) file criminal complaints with the municipal  
16 court or other appropriate judicial officer in order to obtain a warrant for the arrest and initiate a  
17 criminal matter: *Provided*, That any officer given this authority shall receive initial and annual

18 training that complies with Law Enforcement Core Training Standards of the West Virginia State  
19 Fire Commission and the West Virginia State Fire Marshal.

20 (b) Subject to the provisions of §61-7B-1 et seq. of this code, upon the request of any  
21 federal law-enforcement officer, state police officer, natural resources police officer, or any county  
22 or municipal law-enforcement officer, a municipal fire marshal, employed pursuant to the  
23 provisions of this article, may assist in the lawful execution of the requesting officer's official duties:  
24 Provided, That the municipal fire marshal shall at all times work under the direct supervision of  
25 the requesting officer.