

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 168

By Senators Nelson, Deeds, Hamilton, Oliverio,
Phillips, Swope, Tarr, Woodrum, Stuart, Jeffries, and
Roberts

[Introduced January 10, 2024]

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; 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 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~~ are, and impose on those who fail or refuse to obey any
8 lawful command of the officers any penalty which the governing body is authorized by law to
9 impose for the violation of an ordinance. It may ~~give authority to~~ authorize any the officer or officers
10 to direct the pulling down or destroying of any fence, house, building, or other thing, if determined
11 necessary to prevent the spreading of a fire. It may ~~give authority to~~ authorize municipal fire
12 marshals to: (1) Arrest any individual disobeying lawful orders at the scene of a fire; (2) arrest any
13 individual who violates prohibitions against arson and explosive offenses, malicious burning,
14 obstructing a fire marshal, or failing to obey lawful orders; (3) arrest without a warrant, if the
15 unlawful conduct occurs in their presence; and (4) file criminal complaints with the municipal court
16 or other appropriate judicial officer in order to obtain a warrant for the arrest and initiate a criminal
17 matter: *Provided*, That any officer given this authority shall receive initial and annual training that

18 complies with Law Enforcement Core Training Standards of the West Virginia State Fire
19 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 the
25 requesting officer.