

**HOUSE BILL No. 2237**

By Committee on Appropriations

2-8

1 AN ACT concerning the fire marshal; relating to investigation authority;  
2 amending K.S.A. 31-157 and repealing the existing section.

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

5 Section 1. K.S.A. 31-157 is hereby amended to read as follows: 31-  
6 157. (a) The state fire marshal, the state fire marshal's deputies and ~~full-~~  
7 ~~time~~ fire prevention personnel assigned investigation duties who are  
8 members of a ~~paid~~ fire department who have been certified *as a fire*  
9 *investigator* by the state fire marshal pursuant to this section shall have  
10 the authority to make arrests, carry firearms and conduct searches and  
11 seizures while investigating any fire or explosion ~~in which arson or~~  
12 ~~attempted arson is suspected or in which there is an attempt or suspected~~  
13 ~~attempt to defraud an insurance company and any additional crimes~~  
14 *associated with or in conjunction with the arson attempt or attempt to*  
15 *defraud an insurance company.* Any affidavits necessary to authorize  
16 arrests, searches or seizures pursuant to this section shall be made in  
17 accordance with K.S.A. 22-2302 and 22-2502, and amendments thereto.

18 (b) The state fire marshal, with the assistance of an advisory  
19 committee appointed pursuant to K.S.A. 31-135, and amendments  
20 thereto, shall adopt rules and regulations and specify the number of  
21 investigators for departments or areas and establish standards for  
22 certification of members of fire departments to make arrests, carry  
23 firearms and conduct searches and seizures pursuant to this section. No  
24 fire department personnel shall be certified to carry firearms under the  
25 provisions of this act without having first successfully completed the  
26 firearm training course or courses prescribed for law enforcement officers  
27 under K.S.A. ~~74-5604~~ 74-5607, and amendments thereto.

28 (c) With the exception of firearms training, nothing in this section  
29 shall be construed to require persons employed prior to the effective date  
30 of this act to comply with the standards established by the state fire  
31 marshal pursuant to this section as a condition of continued employment,  
32 and such persons' failure to comply with such standards shall not make  
33 such persons ineligible for any promotional examination for which they  
34 are otherwise eligible or affect in any way any pension rights to which  
35 they are entitled on the effective date of this act.

36 Sec. 2. K.S.A. 31-157 is hereby repealed.

1       Sec. 3. This act shall take effect and be in force from and after its  
2 publication in the Kansas register.  
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