

SENATE BILL No. 79

By Committee on Federal and State Affairs

1-26

1 AN ACT concerning the state fire marshal; relating to law enforcement
2 powers thereof; fire equipment standards; requiring investigation of fire
3 deaths; amending K.S.A. 31-158 and repealing the existing section.
4

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

6 New Section 1. (a) The state fire marshal and investigators of the
7 state fire marshal shall have the authority to make arrests and conduct
8 searches and seizures while investigating violations of laws enforced or
9 administered by the state fire marshal. Such investigators, who are
10 certified law enforcement officers pursuant to K.S.A. 74-5601 et seq., and
11 amendments thereto, shall be authorized to enforce all criminal laws of the
12 state as such investigators encounter violations of those laws in the course
13 of their employment.

14 (b) Whenever the death of a person occurs as a result of fire, or when
15 the body of a deceased person is discovered at the scene of a fire, an
16 investigation regarding the circumstances of the death shall be initiated by
17 the chief of the organized fire department, regular or volunteer, or the chief
18 law enforcement officer if no local fire department exists. The state fire
19 marshal shall assist such official who initiates any such investigation

20 Sec. 2. K.S.A. 31-158 is hereby amended to read as follows: 31-158.
21 (a) No person shall knowingly sell or offer for sale in this state to any fire
22 department any item of clothing or equipment intended to protect
23 firefighters from death or injury while fighting fires unless the item of
24 clothing or equipment meets or exceeds the minimum standards
25 established for such item of clothing or equipment ~~by in the standards of~~
26 ~~the national fire protection association, in effect on the effective date of~~
27 ~~this act designated by the state fire marshal by adoption of rules and~~
28 ~~regulations.~~

29 (b) No fire department shall purchase in this state any item of
30 clothing or equipment intended to protect firefighters from death or injury
31 while fighting fires unless the item of clothing or equipment meets or
32 exceeds the minimum standards established for such item of clothing or
33 equipment ~~by in the standards of~~ the national fire protection association, ~~in~~
34 ~~effect on the effective date of this act designated by the state fire marshal~~
35 ~~by adoption of rules and regulations.~~

36 (c) A violation of subsection (a) is a class B misdemeanor.

1 (d) As used in this section, "fire department" means any city, county,
2 township or other public or private fire department.

3 Sec. 3. K.S.A. 31-158 is hereby repealed.

4 Sec. 4. This act shall take effect and be in force from and after its
5 publication in the statute book.