

Senate Bill 345

By: Senators Mullis of the 53rd, Bowen of the 13th, Jackson of the 50th, Smith of the 52nd, Hamrick of the 30th and Shafer of the 48th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 25-2-9 of the Official Code of Georgia Annotated, relating to the
2 power of the state fire marshal and staff to make arrests and carry weapons, so as to revise
3 the authority of the state fire marshal and staff to make arrests and carry weapons; to require
4 that such personnel be certified peace officers; to provide for the power to execute certain
5 arrest and search warrants; to provide a prohibition on resisting arrest by and interfering with
6 the duties of such persons; to amend Code Section 35-8-10 of the Official Code of Georgia
7 Annotated, relating to applicability of peace officer certification requirements generally, so
8 as to include persons employed by the Office of the Commissioner of Insurance and Safety
9 Fire Commissioner; to provide for related matters; to provide an effective date; to repeal
10 conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Code Section 25-2-9 of the Official Code of Georgia Annotated, relating to the power of the
14 state fire marshal and staff to make arrests and carry weapons, is amended by striking the
15 Code section in its entirety and inserting in lieu thereof a new Code Section 25-2-9 to read
16 as follows:

17 "25-2-9.

18 ~~(a) The state fire marshal or any of his appointed staff are granted the authority and power~~
19 ~~which sheriffs have to make arrests of any persons violating or charged with violating any~~
20 ~~of the criminal statutes of this state relating to arson. The state fire marshal or any of his~~
21 ~~appointed staff shall immediately deliver the arrested person or persons to the custody of~~
22 ~~the sheriff of the county in which the offense was committed. The duty of the sheriff as to~~
23 ~~the person delivered to him by any person making an arrest under this chapter shall be the~~
24 ~~same as if the sheriff had made the original arrest.~~

25 ~~(b) Subject to the approval of the Commissioner, the state fire marshal or any of his~~
26 ~~deputies, assistants, or inspectors are authorized to carry weapons in order to enforce this~~

1 chapter Personnel employed and authorized by the state fire marshal shall have the power
 2 to make arrests for criminal violations established as a result of investigations. Such
 3 personnel must hold certification as a peace officer from the Georgia Peace Officer
 4 Standards and Training Council and shall have the power to execute arrest warrants and
 5 search warrants for criminal violations and to arrest, upon probable cause and without
 6 warrant, any person found violating any of the provisions of applicable criminal laws.
 7 Authorized personnel empowered to make arrests pursuant to this Code section shall be
 8 empowered to carry firearms as authorized by the state fire marshal in the performance of
 9 their duties. It shall be unlawful for any person to resist an arrest authorized by this Code
 10 section or to interfere in any manner, including abetting or assisting such resistance or
 11 interference, with personnel employed by the state fire marshal in the duties imposed upon
 12 such personnel by law."

13 SECTION 2.

14 Code Section 35-8-10 of the Official Code of Georgia Annotated, relating to applicability of
 15 peace officer certification requirements generally, is amended by striking subsection (b) and
 16 inserting in lieu thereof a new subsection (b) to read as follows:

17 "(b) Peace officers commencing any employment or service on any terms with the
 18 Department of Public Safety, counties, municipalities, the Georgia Bureau of Investigation,
 19 the Department of Natural Resources, the Department of Revenue, Alcohol and Tobacco
 20 Tax Unit, the Secretary of State's investigative section, the Office of the Commissioner of
 21 Insurance and Safety Fire Commissioner, or a railroad after July 1, 1975, are required to
 22 comply with the certification provisions of this chapter. Peace officers commencing such
 23 employment or service prior to July 1, 1975, and whose employment continues on July 1,
 24 1975, are exempt and excused from compliance with the certification provisions of this
 25 chapter except as provided in this Code section so long as the registration provided for in
 26 subsections (d) and (e) of this Code section remains in effect. Any peace officer otherwise
 27 exempt from the certification provisions of this chapter must meet the qualifications and
 28 requirements specified in paragraphs (2), (4), (5), and (8) of subsection (a) of Code Section
 29 35-8-8."

30 SECTION 3.

31 This Act shall become effective upon its approval by the Governor or upon its becoming law
 32 without such approval.

33 SECTION 4.

34 All laws and parts of laws in conflict with this Act are repealed.