

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

**AS PASSED**

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

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

18 "25-2-9.

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

1 a local fire official, the state fire marshal and any employees of such official shall have the  
 2 authority to investigate the cause and origin of any fire which occurred in said county,  
 3 jurisdiction, or judicial circuit.

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

## 18 SECTION 2.

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

22 "(b) Peace officers commencing any employment or service on any terms with the  
 23 Department of Public Safety, counties, municipalities, the Georgia Bureau of Investigation,  
 24 the Department of Natural Resources, the Department of Revenue, Alcohol and Tobacco  
 25 Tax Unit, the Secretary of State's investigative section, the Office of the Commissioner of  
 26 Insurance and Safety Fire Commissioner, or a railroad after July 1, 1975, are required to  
 27 comply with the certification provisions of this chapter. Peace officers commencing such  
 28 employment or service prior to July 1, 1975, and whose employment continues on July 1,  
 29 1975, are exempt and excused from compliance with the certification provisions of this  
 30 chapter except as provided in this Code section so long as the registration provided for in  
 31 subsections (d) and (e) of this Code section remains in effect. Any peace officer otherwise  
 32 exempt from the certification provisions of this chapter must meet the qualifications and  
 33 requirements specified in paragraphs (2), (4), (5), and (8) of subsection (a) of Code Section  
 34 35-8-8."

1 **SECTION 3.**

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

4 **SECTION 4.**

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