

By: Perry

S.B. No. 2143

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a county to commission certain individuals as peace officers and establish certain law enforcement agencies and to certification requirements for fire marshals.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 352, Local Government Code, is amended by adding Section 352.0125 to read as follows:

Sec. 352.0125. CERTIFICATION REQUIREMENTS IN CERTAIN COUNTIES. (a) This section applies only to a county with a population of 100,000 or more.

(b) A county fire marshal shall hold the following certifications issued by the Texas Commission on Fire Protection:

(1) head of a prevention-only fire department certification not later than 12 months after the date the marshal is initially appointed; and

(2) a fire protection personnel certification not later than 12 months after the date the marshal is initially appointed.

(c) If acting as a peace officer, a county fire marshal and any related officer, inspector, and investigator must hold a permanent peace officer license issued under Chapter 1701, Occupations Code.

(d) If acting under fire marshal authority to conduct or supervise arson investigations or fire inspections, a county fire

1 marshal or the marshal's employees must hold certifications
2 required for fire inspection by the Texas Commission on Fire
3 Protection under Chapter 419, Government Code.

4 SECTION 2. Subchapter B, Chapter 352, Local Government
5 Code, is amended by adding Section 352.024 to read as follows:

6 Sec. 352.024. AUTHORITY TO COMMISSION CERTAIN FIRE
7 PROTECTION OFFICERS AS PEACE OFFICERS. (a) A county may commission
8 a fire marshal, fire officer, fire inspector, or fire investigator
9 as a peace officer.

10 (b) A peace officer commissioned under this section may:

11 (1) administer this chapter;

12 (2) support fire-related operations or
13 investigations;

14 (3) enforce building-related codes, including codes
15 involving hazardous materials; and

16 (4) make recommendations involving building safety.

17 (c) A peace officer commissioned under this section may not
18 enforce violations of Subtitle C, Title 7, Transportation Code,
19 except as related to the enforcement of this chapter or as
20 authorized by Article 14.03, Code of Criminal Procedure.

21 SECTION 3. Chapter 362, Local Government Code, is amended
22 by adding Section 362.006 to read as follows:

23 Sec. 362.006. ESTABLISHMENT OF CERTAIN LAW ENFORCEMENT
24 AGENCIES. A county may establish a law enforcement agency only if
25 authorized by the constitution or other law.

26 SECTION 4. Notwithstanding Section 352.0125, Local
27 Government Code, as added by this Act, a fire marshal for a county

1 with a population of 100,000 or more initially appointed before the
2 effective date of this Act must receive the following
3 certifications:

4 (1) head of a prevention-only fire department
5 certification issued by the Texas Commission on Fire Protection not
6 later than 12 months after the effective date of this Act;

7 (2) a fire protection personnel certification issued
8 by the Texas Commission on Fire Protection not later than 12 months
9 after the effective date of this Act; and

10 (3) if acting as a peace officer, a permanent peace
11 officer license issued under Chapter [1701](#), Occupations Code.

12 SECTION 5. This Act takes effect September 1, 2025.