

BILL ANALYSIS

S.B. 396
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Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, the state fire marshal investigates a line-of-duty death of a firefighter in connection with a firefighting incident to identify factors contributing to the firefighter's death and to use that information to prevent future incidents. Apart from line-of-duty deaths resulting from firefighting incidents, firefighter deaths may occur in connection with other on-duty incidents, including fire-based EMS, motor vehicle collisions en route to a fire, and training or hazardous materials incidents. There is some ambiguity regarding the fire marshal's authority to investigate these deaths, and as a result, the firefighting community may miss an opportunity to prevent future incident.

S.B. 396 addresses this issue by clarifying that the state fire marshal investigates firefighter deaths that occur in connection with on-duty incidents in this state.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 396 amends the Government Code to require the state fire marshal to investigate the circumstances surrounding the death of a firefighter if the firefighter dies in the line of duty or if the firefighter's death occurs in connection with an on-duty incident in Texas, rather than if a firefighter dies in the line of duty in connection with a fire-fighting incident in Texas. The bill removes the specification that the circumstances required to be investigated include the cause and origin of the fire, the condition of the structure, and the suppression operation and instead specifies that such circumstances include any factors that may have contributed to the death of the firefighter.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.