

BILL ANALYSIS

Senate Research Center
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S.B. 396
By: Deuell
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law gives the state fire marshal the authority to investigate the line-of-duty death of a firefighter in connection with a fire-fighting incident. The goal of these investigations is 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 fire-fighting incidents, firefighter deaths may occur in connection with other on-duty incidents, including fire-based emergency medical services, motor vehicle collisions en route to a fire, and training or hazardous materials incidents. Statute is unclear on the state fire marshal's authority to investigate these deaths, and as a result, the firefighting community misses an opportunity to prevent future incidents.

As proposed, S.B. 396 amends current law relating to the state fire marshal's investigation of the death of a firefighter who dies in the line of duty or in connection with an on-duty incident.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 417.0075(b), Government Code, as follows:

(b) Requires the state fire marshal, if a firefighter dies in the line of duty or if the firefighter's death occurs in connection with an on-duty incident, rather than a fire-fighting incident, in this state, to investigate the circumstances surrounding the death of the firefighter, including any factors that may have contributed to the death of the firefighter, rather than including the cause and origin of the fire, the condition of the structure, and the suppression operation, to determine the factors that may have contributed to the death of the firefighter.

SECTION 2. Effective date: upon passage or September 1, 2011.