|  |
| --- |
| BILL ANALYSIS |

|  |
| --- |
| S.B. 2143 |
| By: Perry |
| Homeland Security, Public Safety & Veterans' Affairs |
| Committee Report (Unamended) |

|  |
| --- |
| **BACKGROUND AND PURPOSE**  The bill sponsor has informed the committee that while counties are authorized to appoint fire marshals and related personnel to enforce fire codes and investigate arson under state law, there are no uniform certification requirements for fire marshals in larger counties, nor is there explicit authority under current law for counties to commission certain fire officials as peace officers. The bill sponsor has also informed the committee that existing law does not clearly address a county's authority to establish independent law enforcement agencies. The bill sponsor has further informed the committee that concerns have been raised regarding the qualifications required for fire marshals performing law enforcement functions and the need for clear statutory guidance on the commissioning and role of fire marshals and related officials as peace officers. S.B. 2143 seeks to ensure qualified fire marshal personnel, enhance public safety operations, and maintain clarity in the establishment and scope of county law enforcement entities by establishing standardized certification requirements for a county fire marshal in a county with a population of 100,000 or more and by requiring such a fire marshal to obtain specific certifications from the Texas Commission on Fire Protection and, if acting as a peace officer, to hold a permanent peace officer license. |
| **CRIMINAL JUSTICE IMPACT**  It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision. |
| **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. 2143 amends the Local Government Code to require a county fire marshal in a county with a population of 100,000 or more to hold the following certifications issued by the Texas Commission on Fire Protection (TCFP):   * head of a prevention-only fire department certification not later than 12 months after the date the marshal is initially appointed; and * a fire protection personnel certification not later than 12 months after the date the marshal is initially appointed.   The bill requires such a county fire marshal and any related officer, inspector, and investigator, if acting as a peace officer, to hold a permanent peace officer license. The bill requires such a county fire marshal or the marshal's employees, if acting under fire marshal authority to conduct or supervise arson investigations or fire inspections, to hold certifications required for fire inspection by TCFP.  S.B. 2143 authorizes a county to commission a fire marshal, fire officer, fire inspector, or fire investigator as a peace officer and authorizes a peace officer so commissioned to do the following:   * administer state law relating to county fire protection; * support fire-related operations or investigations; * enforce building-related codes, including codes involving hazardous materials; and * make recommendations involving building safety.   The bill prohibits a peace officer so commissioned from enforcing violations of rules of the road, except as related to the enforcement of state law relating to county fire protection or as authorized by statutory provisions relating to the authority of peace officers.  S.B. 2143, with respect to statutory provisions relating to law enforcement services provided through cooperation of municipalities, counties, and certain other local governments, conditions the authority of a county to establish a law enforcement agency on being authorized to do so by the Texas Constitution or other law.  S.B. 2143 requires a fire marshal for a county with a population of 100,000 or more initially appointed before the bill's effective date to receive the following certifications:   * head of a prevention-only fire department certification issued by TCFP not later than 12 months after the bill's effective date; * a fire protection personnel certification issued by TCFP not later than 12 months after the bill's effective date; and * if acting as a peace officer, a permanent peace officer license. |
| **EFFECTIVE DATE**  September 1, 2025. |