**BILL ANALYSIS**

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| Senate Research Center | C.S.S.B. 2143 |
| 89R21734 CS-F | By: Perry |
|  | Water, Agriculture and Rural Affairs |
|  | 3/31/2025 |
|  | Committee Report (Substituted) |

**AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law allows county commissioners courts to appoint fire marshals to investigate the cause, origin, and circumstances of fires that occur within the county but outside the municipalities in the county. Additionally, fire marshals help determine whether a fire was the result of negligent or intentional conduct. Not every county has a fire marshal but in the counties that do, fire marshals provide a variety of fire-related services to their counties.

Some counties also require that their fire marshal be a licensed peace officer. Fire marshals who are also licensed peace officers are often able to more seamlessly conduct criminal arson investigations.

Counties typically do not have direct authority over county law enforcement because both sheriffs and constables are independently elected officials. Fire marshals are unique because they are appointed by the commissioners court and therefore answer to the court. Unfortunately, some counites have misused the fire marshal statute to appoint peace officers to conduct law enforcement activities that are far outside normal fire marshal duties.

S.B. 2143 clarifies that fire marshal peace officers may conduct fire-related police activities. However, the bill states that these specific peace officers may not enforce traffic laws. Additionally, S.B. 2143 prohibits counties from establishing law enforcement offices that are not authorized by the Texas Constitution or state statute.

(Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 2143 amends current law 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.

**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 Subchapter B, Chapter 352, Local Government Code, by adding Section 352.0125, as follows:

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

(b) Requires a county fire marshal 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.

(c) Requires a county fire marshal and any related officer, inspector, and investigator, if acting as a peace officer, to hold a permanent peace officer license issued under Chapter 1701 (Law Enforcement Officers), Occupations Code.

(d) Requires 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 under Chapter 419 (Texas Commission on Fire Protection), Government Code.

SECTION 2. Amends Subchapter B, Chapter 352, Local Government Code, by adding Section 352.024, as follows:

Sec. 352.024. AUTHORITY TO COMMISSION CERTAIN FIRE PROTECTION OFFICERS AS PEACE OFFICERS. (a) Authorizes a county to commission a fire marshal, fire officer, fire inspector, or fire investigator as a peace officer.

(b) Authorizes a peace officer commissioned under this section to administer Chapter 352 (County Fire Protection), support fire-related operations or investigations, enforce building-related codes, including codes involving hazardous materials, and make recommendations involving building safety.

(c) Prohibits a peace officer commissioned under this section from enforcing violations of Subtitle C (Rules of the Road), Title 7 (Vehicles and Traffic), Transportation Code, except as related to the enforcement of this chapter or as authorized by Article 14.03 (Authority of Peace Officers), Code of Criminal Procedure.

SECTION 3. Amends Chapter 362, Local Government Code, by adding Section 362.006, as follows:

Sec. 362.006. ESTABLISHMENT OF CERTAIN LAW ENFORCEMENT AGENCIES. Authorizes a county to establish a law enforcement agency only if authorized by the constitution or other law.

SECTION 4. Requires a fire marshal for a county with a population of 100,000 or more initially appointed before the effective date of this Act, notwithstanding Section 352.0125, Local Government Code, as added by this Act, to receive the following certifications: head of a prevention-only fire department certification issued by TCFP not later than 12 months after the effective date of this Act; a fire protection personnel certification issued by TCFP not later than 12 months after the effective date of this Act; and, if acting as a peace officer, a permanent peace officer license issued under Chapter 1701, Occupations Code.

SECTION 5. Effective date: September 1, 2025.