



SENATE BILL 2005

By Hatcher

AN ACT to amend Tennessee Code Annotated, Title 5;
Title 6; Title 38 and Title 68, relative to fire
investigation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-102-127, is amended by deleting the section and substituting:

(a)

(1) The commissioner of commerce and insurance and the commissioner's deputies have police powers when necessary to preserve the law relative to cases of arson or suspected arson, including the power to make arrests; provided, that, the individual seeking to exercise the powers has a current certification from the peace officer standards and training commission (POST). In addition, the commissioner and the commissioner's deputies may conduct further investigations as to the origin or circumstances of a fire occurring in this state by the appointment of special assistants or the employment of other means necessary in the commissioner's discretion.

(2) Subdivision (a)(1) does not prohibit the commissioner or the commissioner's deputies from otherwise conducting investigations as to the origin or circumstances of a fire occurring in this state without a current certification from POST if the commissioner or the commissioner's deputy is not exercising police powers in conducting the investigation.

(b)

(1) A municipal fire investigator has police powers, including the power to make arrests, when necessary to preserve the laws of this state or the investigator's respective municipality relative to cases of arson or suspected arson if the municipal fire investigator:

(A) Has been authorized by the chief of the municipal fire department or the director of fire services to conduct investigations relative to the cause and origin of fires or arson investigations; and

(B) Has a current certification from POST.

(2) Subdivision (b)(1) does not prohibit a municipal fire investigator from conducting an investigation relative to the cause and origin of a fire or arson investigations without a current certification from POST if the municipal fire investigator is not exercising police powers in conducting the investigation.

(c)

(1) A salaried county fire investigator has police powers, including the power to make arrests, when necessary to preserve the laws of this state or the investigator's respective jurisdiction relative to cases of arson or suspected arson if the salaried county fire investigator:

(A) Has been authorized by the chief of the county-wide fire department or the director of fire services to conduct investigations relative to the cause and origin of fires or arson investigations; and

(B) Has a current certification from POST.

(2) Subdivision (c)(1) does not prohibit a salaried county fire investigator from conducting an investigation relative to the cause and origin of a fire or arson investigations without a current certification from POST if the salaried county fire investigator is not exercising police powers in conducting the investigation.

SECTION 2. Tennessee Code Annotated, Section 38-8-107, is amended by adding the following as a new subsection:

(h) The commission shall also issue a certificate of compliance to the commissioner of commerce and insurance; the commissioner's deputies; a municipal fire investigator, as described in § 68-102-127(b)(1); or a salaried county fire investigator, as described in § 68-102-127(c)(1), on or after January 1, 2027, if the person meets the qualifications for employment as a police officer and satisfactorily completes an approved recruit training program as required by this part. To retain this certification, the person shall also successfully complete an annual in-service training session appropriate for the fire investigator's responsibilities.

SECTION 3. This act takes effect January 1, 2027, the public welfare requiring it, and applies to conduct occurring on or after that date.

Amendment No. 1 to SB2005

Gardenhire
Signature of Sponsor

AMEND Senate Bill No. 2005

House Bill No. 1870*

by deleting the last section and substituting instead:

SECTION 3. This act takes effect January 1, 2028, the public welfare requiring it.

Amendment No. 1 to HB1870

Crawford
Signature of Sponsor

AMEND Senate Bill No. 2005

House Bill No. 1870*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 68-102-127, is amended by deleting the section and substituting:

(a)

(1) The commissioner of commerce and insurance and the commissioner's deputies have police powers when necessary to preserve the law relative to cases of arson or suspected arson, including the power to make arrests; provided, that, the individual seeking to exercise the powers has a current certification from the peace officer standards and training commission (POST). In addition, the commissioner and the commissioner's deputies may conduct further investigations as to the origin or circumstances of a fire occurring in this state by the appointment of special assistants or the employment of other means necessary in the commissioner's discretion.

(2) Subdivision (a)(1) does not prohibit the commissioner or the commissioner's deputies from otherwise conducting investigations as to the origin or circumstances of a fire occurring in this state without a current certification from POST if the commissioner or the commissioner's deputy is not exercising police powers in conducting the investigation.

(b)

(1) A municipal fire investigator has police powers, including the power to make arrests, when necessary to preserve the laws of this state or the

investigator's respective municipality relative to cases of arson or suspected arson if the municipal fire investigator:

(A) Has been authorized by the chief of the municipal fire department or the director of fire services to conduct investigations relative to the cause and origin of fires or arson investigations; and

(B) Has a current certification from POST.

(2) Subdivision (b)(1) does not prohibit a municipal fire investigator from conducting an investigation relative to the cause and origin of a fire or arson investigations without a current certification from POST if the municipal fire investigator is not exercising police powers in conducting the investigation.

(c)

(1) A county fire investigator has police powers, including the power to make arrests, when necessary to preserve the laws of this state or the investigator's respective jurisdiction relative to cases of arson or suspected arson if the county fire investigator:

(A) Has been authorized by the chief of the county-wide fire department or the director of fire services to conduct investigations relative to the cause and origin of fires or arson investigations; and

(B) Has a current certification from POST.

(2) Subdivision (c)(1) does not prohibit a county fire investigator from conducting an investigation relative to the cause and origin of a fire or arson investigations without a current certification from POST if the county fire investigator is not exercising police powers in conducting the investigation.

(d)

(1) The POST certification requirement under this section does not apply to a municipal or county fire investigator serving as a fire investigator on January 1, 2027, who was hired as a fire investigator prior to January 1, 2021.

(2) A municipal or county fire investigator serving as a fire investigator on January 1, 2027, who was hired as a fire investigator on or after January 1, 2021, shall comply with the POST certification requirement under this section by January 1, 2030.

SECTION 2. Tennessee Code Annotated, Section 38-8-107, is amended by adding the following as a new subsection:

(h) Except as otherwise provided in § 68-102-127(d), the commission shall also issue a certificate of compliance to the commissioner of commerce and insurance; the commissioner's deputies; a municipal fire investigator, as described in § 68-102-127(b)(1); or a county fire investigator, as described in § 68-102-127(c)(1), on or after January 1, 2028, if the person meets the qualifications for employment as a police officer and satisfactorily completes an approved recruit training program as required by this part. To retain this certification, the person shall also successfully complete an annual in-service training session appropriate for the fire investigator's responsibilities.

SECTION 3. This act takes effect January 1, 2028, the public welfare requiring it, and applies to conduct occurring on or after that date.