

By: Senator(s) Mettetal

To: Insurance

SENATE BILL NO. 2431

1 AN ACT TO AMEND SECTION 45-11-1, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT DEPUTY STATE FIRE MARSHALS MAY SERVE WITH A VOLUNTEER  
3 FIRE DEPARTMENT IN ANY CAPACITY; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** Section 45-11-1, Mississippi Code of 1972, is  
6 amended as follows:

7 45-11-1. The Commissioner of Insurance is by virtue of his  
8 office the State Fire Marshal and shall appoint the State Chief  
9 Deputy Fire Marshal who, along with his employees shall be  
10 designated as a division of the Insurance Department. The State  
11 Chief Deputy Fire Marshal shall be a person qualified by  
12 experience and training and thoroughly knowledgeable in the areas  
13 of arson investigation and prevention, fire prevention, fire  
14 fighting and the training of firemen. The State Chief Deputy Fire  
15 Marshal shall serve at the pleasure of the Commissioner of  
16 Insurance.

17 The State Chief Deputy Fire Marshal shall employ such deputy  
18 state fire marshals as are necessary and in accordance with  
19 availability of funds. Deputy fire marshals shall be deployed  
20 across the state in order to provide effective service to fire  
21 scenes. Deputy fire marshals may also serve with a volunteer fire  
22 department in any capacity.

23 It shall be the duty of the State Chief Deputy Fire Marshal  
24 to investigate, by himself or his deputy, the origin of every fire  
25 occurring within the state to which his attention is called by the  
26 chief of the fire department or other law enforcement authority of  
27 any county or municipality. It shall also be his duty to



28 investigate any case requested by any party in interest, whenever,  
29 in his judgment, there be sufficient evidence or circumstances  
30 indicating that such fire may be of incendiary origin. All county  
31 and municipal law enforcement authorities shall cooperate with the  
32 State Chief Deputy Fire Marshal in such investigation. This  
33 section shall not be construed to impair the duty and power of  
34 county and municipal law enforcement authorities to investigate  
35 any fire occurring within his or their jurisdiction.

36 The State Chief Deputy Fire Marshal shall maintain in his  
37 office a record of all fires investigated by him or his deputy,  
38 including evidence obtained as to the origin of each such fire.

39 Such record shall at all times be subject to inspection by  
40 any party of interest in the fire loss; provided, however, that no  
41 record or report of an investigation shall be subject to  
42 inspection pending such investigation or while same is in  
43 progress, and if a report of an investigation contains any  
44 evidence of arson or other felony, same shall not be subject to  
45 inspection by any person other than the district attorney and  
46 county attorney of the county in which such evidence indicates  
47 that arson or other felony may have been committed, except upon  
48 the written approval of such district attorney or the order of a  
49 court of competent jurisdiction. Provided that in cases where a  
50 person has been arrested for the crimes of arson, attempted arson,  
51 or any other felony, the defendant or his attorney shall have  
52 access to these records. Any physical evidence of arson or other  
53 felony shall be delivered to the custody of the sheriff of the  
54 county wherein such fire occurred.

55 **SECTION 2.** This act shall take effect and be in force from  
56 and after its passage.

