START\_STATUTE37-1383.  Powers and duties; arson investigators

A.  Under the authority and direction of the state forester, the assistant director of the office of the state fire marshal or a deputy fire marshal or an assistant fire inspector acting at the direction of the assistant director of the office of the state fire marshal shall:

1.  Assist in the enforcement of state laws and ordinances of cities and counties relating to fire prevention and fire protection.

2.  Adopt by rule a state fire code establishing minimum standards for:

(a)  Safeguarding life and property from fire and fire hazards.

(b)  The prevention of fires and alleviation of fire hazards.

(c)  The storage, sale, distribution and use of dangerous chemicals, combustibles, flammable liquids, explosives and radioactive materials.

(d)  The installation, maintenance and use of fire escapes, fire protection equipment, fire alarm systems, smoke detectors and fire extinguishing equipment.

(e)  The means and adequacy of fire protection and exit in case of fire in places in which numbers of persons work, live or congregate, excluding family dwellings that have fewer than five residential dwelling units.

(f)  Other matters relating to fire prevention and control that are considered necessary by the office of the state fire marshal.

3.  Adopt rules and a schedule of fees for permits, plan submissions, plan reviews and reinspections that are payable by persons regulated under this article.

4.  Adopt rules for the allocation of monies from the arson detection reward fund established by section 37‑1387. The rules shall be consistent with the purposes set forth in section 37‑1387 and shall promote the effective and efficient use of the fund monies.

5.  Enforce compliance with the fire code adopted pursuant to this subsection throughout this state except in any city having a population of one hundred thousand persons or more that has in effect a nationally recognized fire code, whether modified or unmodified, and that has enacted an ordinance to assume such jurisdiction from the office of the state fire marshal.  Such cities do not have authority that supersedes and are not exempt from the state fire code established pursuant to this subsection in state or county owned buildings wherever located throughout the state.

6.  Cooperate and coordinate with other state agencies in the administration of the state fire code.

7.  Establish a regularly scheduled fire safety inspection program for all state and county owned public buildings and all public and private school buildings wherever located throughout the state, except for private school buildings in cities with a population of one hundred thousand or more persons.

8.  Inspect as necessary all other occupancies located throughout this state, except family dwellings having fewer than five residential dwelling units and occupancies located in cities with a population of one hundred thousand or more persons.

9.  At the written request of county or municipal authorities, make and provide to them a written report of the examination made by the office of the state fire marshal of any fire within their jurisdiction.

10.  Administer the arson detection reward fund established by section 37‑1387.

B.  All plans and specifications for new construction, remodeling, alterations and additions for state, county and public school buildings and grounds shall be submitted to the state forester for review and approval by the assistant director of the office of the state fire marshal or as authorized to a deputy fire marshal or an assistant fire inspector acting at the direction of the assistant director of the office of the state fire marshal before construction.  The plans and specifications shall be reviewed and approved or disapproved within sixty days after submission.  Construction shall not commence until the plans have been approved and a permit has been issued.

C.  Under the authority and direction of the state forester, the assistant director of the office of state fire marshal or a deputy fire marshal or an assistant fire inspector acting at the direction of the assistant director of the office of the state fire marshal may:

1.  Conduct or participate in investigations of causes, origins and circumstances of fires, including cases of possible arson.

2.  Prescribe a uniform system of reporting fires and their causes and effects.

3.  Provide and coordinate training in firefighting and fire prevention and cooperate with educational institutions to provide and further such training.

4.  Impound necessary evidence in conjunction with investigations of causes, origins and circumstances of fires if that evidence might be lost, destroyed or otherwise altered if not impounded.

5.  Employ specialized testing services to evaluate evidence and conditions involved in fire investigations.

6.  Designate certain members of the office of the state fire marshal's staff or a deputy fire marshal or an assistant fire inspector as arson investigators.

D.  The primary duty of investigators designated pursuant to subsection C, paragraph 6 of this section is the investigation, detection and apprehension of persons who have violated or are suspected of violating any provision of title 13, chapter 17.  A person designated as an arson investigator, while engaged in arson investigation in this state, possesses and may exercise law enforcement powers of peace officers of this state.  This subsection does not grant any powers of peace officers of this state to arson investigators other than those necessary for the investigation, detection and apprehension authority granted by this subsection.  Any individual designated as an arson investigator shall have law enforcement training under section 41‑1822. END\_STATUTE