

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 443

BY SENATORS DEEDS, HAMILTON, WOELFEL, AND

RUCKER

[Introduced January 16, 2026; referred
to the Committee on Government Organization]

1 A BILL to amend and reenact §8-15-1 of the Code of West Virginia, 1931, as amended, relating
2 to municipal fire departments; granting municipal fire marshals the authority to assist in
3 the lawful execution of a law-enforcement officer's official duties; and clarifying that the
4 authority to assist federal law enforcement is limited by certain provisions.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 15. FIRE FIGHTING; FIRE COMPANIES AND DEPARTMENTS; CIVIL
SERVICE FOR PAID FIRE DEPARTMENTS.**

§8-15-1. Power and authority of governing body with respect to fires.

1 (a) The governing body of every municipality ~~shall have~~ has plenary power and authority
2 to provide for the prevention and extinguishment of fires and, for this purpose, it may, among
3 other things, regulate how buildings shall be constructed, procure proper engines and
4 implements, provide for the organization, equipment, and government of volunteer fire companies
5 or of a paid fire department, prescribe the powers and duties of the companies or department,
6 and of the several officers, provide for the appointment of officers to have command of firefighting,
7 prescribe what their powers and duties ~~shall be~~ are, and impose on those who fail or refuse to
8 obey any lawful command of the officers any penalty which the governing body is authorized by
9 law to impose for the violation of an ordinance. It may ~~give authority to~~ authorize any officer or
10 officers to direct the pulling down or destroying of any fence, house, building, or other thing, if
11 determined necessary to prevent the spreading of a fire. It may ~~give authority to~~ authorize
12 municipal fire marshals to: (1) Arrest any individual disobeying lawful orders at the scene of a fire;
13 (2) arrest any individual who violates prohibitions against arson and explosive offenses, malicious
14 burning, obstructing a fire marshal, or failing to obey lawful orders; (3) arrest without a warrant, if
15 the unlawful conduct occurs in their presence; and (4) file criminal complaints with the municipal
16 court or other appropriate judicial officer in order to obtain a warrant for the arrest and initiate a
17 criminal matter: *Provided*, That any officer given this authority shall receive initial and annual

training that complies with Law-Enforcement Core Training Standards of the West Virginia State Fire Commission and the West Virginia State Fire Marshal.

(b) Subject to the provisions of §61-7B-1 et seq. of this code, upon the request of any federal law-enforcement officer, state police officer, natural resources police officer, or any county or municipal law-enforcement officer, a municipal fire marshal, employed pursuant to the provisions of this article, may assist in the lawful execution of the requesting officer's official duties: *Provided*, That the municipal fire marshal shall at all times work under the direct supervision of the requesting officer.