

# VIRGINIA ACTS OF ASSEMBLY -- 1997 SESSION

## CHAPTER 436

*An Act to amend and reenact §§ 27-31, 27-32, and 27-34.2 of the Code of Virginia, relating to investigation of fires and explosions by local fire marshals.*

[S 875]

Approved March 16, 1997

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 27-31, 27-32, and 27-34.2 of the Code of Virginia are amended and reenacted as follows:**

§ 27-31. Investigation of fires and explosions.

Such fire marshal shall make an investigation into the origin and cause of every fire *and explosion* occurring within the limits for which he was appointed, and for any such service he shall receive such compensation as the governing body may allow.

§ 27-32. Summoning witnesses and taking evidence.

In making ~~such investigation~~ *investigations pursuant to § 27-31*, the fire marshal may issue a summons directed to a sheriff or sergeant of any county, city or town commanding the officer to summon witnesses to attend before him at such time and place as he may direct. Any such officer to whom the summons is delivered, shall forthwith execute it, and make return thereof to the fire marshal at the time and place named therein.

Witnesses, on whom the summons before mentioned is served, may be compelled by the fire marshal to attend and give evidence, and shall be liable in like manner as if the summons had been issued by a justice of the peace in a criminal case. They shall be sworn by the fire marshal before giving evidence, and their evidence shall be reduced to writing by him, or under his direction, and subscribed by them respectively.

§ 27-34.2. Power to arrest, to procure and serve warrants and to issue summons; limitation on authority.

In addition to such other duties as may be prescribed by law, the local fire marshal and his assistants appointed pursuant to § 27-36 shall, if authorized by the governing body of the county, city or town appointing the local fire marshal, have the authority to arrest, to procure and serve warrants of arrest and to issue summons in the manner authorized by general law for violation of ~~local~~ fire prevention and fire safety *laws* and related ordinances. The authority granted in this section shall not be exercised by any local fire marshal or assistant until such person has satisfactorily completed a training course designed specifically for local fire marshals and their assistants, which course shall be approved by the Virginia Fire Services Board.

The Department of Fire Programs in cooperation with the Department of Criminal Justice Services shall have the authority to design, establish and maintain the required courses of instruction through such agencies and institutions as the Departments jointly may deem appropriate and to approve such other courses as such Departments determine appropriate.

The authority granted in this section shall not be construed to authorize a fire marshal or his assistants to wear or carry firearms.