



HOUSE BILL 55: Fire Investigation Law Revisions.

2023-2024 General Assembly

Committee:	House Judiciary 2. If favorable, re-refer to State Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	April 19, 2023
Introduced by:	Reps. Clampitt, Loftis	Prepared by:	Anna Parsons Susan Sitze Staff Attorneys
Analysis of:	PCS to First Edition H55-CSCK-11		

OVERVIEW: *The Proposed Committee Substitute (PCS) to House Bill 55 would authorize the Commissioner of Insurance, through the Office of the State Fire Marshal (OSFM), to investigate fires pursuant to Article 79 of Chapter 58 of the General Statutes.*

CURRENT LAW: Article 79 of Chapter 58 of the General Statutes authorizes the Director of the State Bureau of Investigation (SBI) to do all the following:

- Investigate every fire occurring in a municipality or county where property has been damaged or destroyed. G.S. 58-79-1.
- Examine the circumstances and origins of all fires related to G.S. 58-79-1, deciding whether the fire was due to carelessness or caused by an incendiary; take testimony from all persons with knowledge related to the fire; and to make an arrest or cause an arrest to be made when the SBI is of the opinion there is evidence of arson. G.S. 58-79-5.
- Summon and compel the attendance of any witnesses to testify in relation to a fire investigation and enter and examine any premises where a fire has occurred. G.S. 58-79-10.
- Hold those persons who fail to comply with a summons or subpoena in contempt. G.S. 58-79-15.
- Request that an insurance company investigating the loss of real or personal property due to fire release all information pertaining to the fire. Where an insurance company suspects the property loss was caused by incendiary means, the insurance company shall furnish all relevant materials to the SBI and cooperate with law enforcement. G.S. 58-79-40.

BILL ANALYSIS: The PCS to House Bill 55 would amend Article 79 of Chapter 58 of the General Statutes to do all the following:

- Grant to OSFM all the authority currently granted to the SBI as outlined above.
- Specify that the SBI has exclusive right to supervise and direct fire investigations involving:
 - Death or serious bodily injury
 - First- or second-degree arson
 - Buildings owned or occupied by state or local government
 - Buildings owned or leased by educational institutions, churches, or religious buildings

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- Remove the requirement that any officer conducting a preliminary fire investigation notify the SBI and furnish a written statement of all facts related to the fire within one week.

EFFECTIVE DATE: The act would become effective October 1, 2023.