

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 315

Short Title: Arson Law Revisions. (Public)

Sponsors: Representatives McNeill, Boles, Saine, and Carter (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary 3, if favorable, Rules, Calendar, and Operations of the House

March 17, 2021

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE PUNISHMENT FOR THE BURNING OF COMMERCIAL STRUCTURES; TO AMEND THE OFFENSE OF ARSON OR OTHER UNLAWFUL BURNINGS THAT RESULT IN INJURY TO A FIREFIGHTER, LAW ENFORCEMENT OFFICER, FIRE INVESTIGATOR, OR EMERGENCY MEDICAL TECHNICIAN; TO AUTHORIZE THE COMMISSIONER OF INSURANCE THROUGH THE OFFICE OF STATE FIRE MARSHAL TO INVESTIGATE FIRES; TO REQUIRE CRIMINAL HISTORY RECORD CHECKS OF APPLICANTS TO FIRE DEPARTMENTS; TO REQUIRE APPLICANTS TO DISCLOSE CERTAIN CRIMINAL CHARGES; AND TO PROHIBIT APPLICANTS CONVICTED OF CERTAIN CRIMES FROM SERVING AS VOLUNTEER OR PAID MEMBERS OF FIRE DEPARTMENTS.

The General Assembly of North Carolina enacts:

PART I. BURNING OF COMMERCIAL STRUCTURES

SECTION 1.(a) G.S. 14-60 is repealed.

SECTION 1.(b) G.S. 14-61 reads as rewritten:

"§ 14-61. **Burning of certain bridges and buildings.**

~~If~~ Unless the conduct is covered under some other provision of law providing greater punishment, if any person shall wantonly and willfully set fire to or burn or cause to be burned, or aid, counsel or procure the burning of, any public bridge, or private toll bridge, or the bridge of any incorporated company, or any fire-engine house or rescue-squad building, or any house belonging to an incorporated company or unincorporated association and used in the business of such company or association, ~~he~~ the person shall be punished as a Class F felon."

SECTION 1.(c) G.S. 14-62 reads as rewritten:

"§ 14-62. **Burning of certain buildings.**

~~If~~ Unless the conduct is covered under some other provision of law providing greater punishment, if any person shall wantonly and willfully set fire to or burn or cause to be burned, or aid, counsel or procure the burning of, any uninhabited house, or any stable, coach house, outhouse, warehouse, office, shop, mill, barn or granary, or any building, structure or erection used or intended to be used in carrying on any trade or manufacture, or any branch thereof, whether the same or any of them respectively shall then be in the possession of the offender, or in the possession of any other person, ~~he~~ the person shall be punished as a Class F felon."

SECTION 1.(d) G.S. 14-62.1 reads as rewritten:

"§ 14-62.1. **Burning of building or structure in process of construction.**



1 ~~If~~ Unless the conduct is covered under some other provision of law providing greater
2 punishment, if any person shall wantonly and willfully set fire to or burn or cause to be burned,
3 or aid, counsel or procure the burning of, any building or structure in the process of construction
4 for use or intended to be used as a dwelling house or in carrying on any trade or manufacture, or
5 otherwise, whether the same or any of them respectively shall then be in the possession of the
6 offender, or in the possession of any other person, ~~he~~ the person shall be punished as a Class H
7 felon."

8 **SECTION 1.(e)** G.S. 14-62.2 reads as rewritten:

9 "**§ 14-62.2. Burning of churches and certain other religious buildings.**

10 ~~If~~ Unless the conduct is covered under some other provision of law providing greater
11 punishment, if any person shall wantonly and willfully set fire to or burn or cause to be burned,
12 or aid, counsel or procure the burning of any church, chapel, or meetinghouse, the person shall
13 be punished as a Class E felon."

14 **SECTION 1.(f)** G.S. 14-64 reads as rewritten:

15 "**§ 14-64. Burning of ginhouses and tobacco houses.**

16 (a) ~~If~~ Unless the conduct is covered under some other provision of law providing greater
17 punishment, if any person shall wantonly and willfully set fire to or burn or cause to be burned,
18 or aid, counsel or procure the burning of, any ginhouse or tobacco house, or any part thereof, ~~he~~
19 the person shall be punished as a Class H felon.

20 (b) The following definitions apply to this section:

21 (1) Ginhouse. – Any building or structure where cotton is ginned.

22 (2) Tobacco house. – Any barn, building, or other structure used for curing and
23 aging tobacco."

24 **SECTION 1.(g)** Article 15 of Chapter 14 of the General Statutes is amended by
25 adding a new section to read:

26 "**§ 14-62.3. Burning of commercial structure.**

27 (a) Definition. – For purposes of this section, the term "commercial structure" means any
28 building or structure that is not designed principally for residential purposes.

29 (b) Burning of Occupied Commercial Structure. – Unless the conduct is covered under
30 some other provision of law providing greater punishment, if any person shall wantonly and
31 willfully set fire to or burn or cause to be burned, or aid, counsel or procure the burning of any
32 commercial structure or its contents, and the structure is occupied at the time of the burning, the
33 person shall be punished as a Class D felon.

34 (c) Burning of Unoccupied Commercial Structure. – Unless the conduct is covered under
35 some other provision of law providing greater punishment, if any person shall wantonly and
36 willfully set fire to or burn or cause to be burned, or aid, counsel or procure the burning of any
37 commercial structure or its contents, and the structure is unoccupied at the time of the burning,
38 the person shall be punished as a Class E felon."

39
40 **PART II. ARSON OR OTHER UNLAWFUL BURNING THAT RESULTS IN INJURY**
41 **TO A FIREFIGHTER, LAW ENFORCEMENT OFFICER, FIRE INVESTIGATOR, OR**
42 **EMERGENCY MEDICAL TECHNICIAN**

43 **SECTION 2.** G.S. 14-69.3 reads as rewritten:

44 "**§ 14-69.3. Arson or other unlawful burning that results in serious bodily injury or physical**
45 **injury to a firefighter, law enforcement officer, fire investigator, or emergency**
46 **medical technician.**

47 (a) Definitions. – The following definitions apply in this section:

48 (1) Emergency medical technician. – The term includes an emergency medical
49 technician, an emergency medical technician-intermediate, and an emergency
50 medical technician-paramedic, as those terms are defined in G.S. 131E-155.

1 (2) Fire investigator. – The term includes any person who, individually or as part
2 of an investigative team, has the responsibility and authority to determine the
3 origin, cause, or development of a fire or explosion.

4 (b) Offense Involving Serious Injury. – A person is guilty of a Class E felony if the person
5 commits a felony under Article 15 of Chapter 14 of the General Statutes and a firefighter, law
6 enforcement officer, fire investigator, or emergency medical technician suffers serious bodily
7 injury while discharging or attempting to discharge official duties on the property, or proximate
8 to the property, that is the subject of the firefighter's, law enforcement officer's, fire investigator's,
9 or emergency medical technician's discharge or attempt to discharge his or her respective duties.

10 (c) Offense Involving Physical Injury. – A person is guilty of a Class F felony if the
11 person commits a felony under Article 15 of Chapter 14 of the General Statutes and a firefighter,
12 law enforcement officer, fire investigator, or emergency medical technician suffers physical
13 injury while discharging or attempting to discharge official duties on the property, or proximate
14 to the property, that is the subject of the firefighter's, law enforcement officer's, fire investigator's,
15 or emergency medical technician's discharge or attempt to discharge his or her respective duties."
16

17 PART III. COMMISSIONER OF INSURANCE THROUGH OFFICE OF STATE FIRE 18 MARSHAL TO INVESTIGATE FIRES

19 SECTION 3.(a) G.S. 58-79-1 reads as rewritten:

20 "§ 58-79-1. Fires investigated; reports; records.

21 ~~The Director of the State Bureau of Investigation, through the State Bureau of Investigation,~~
22 ~~The Commissioner of Insurance, through the Office of the State Fire Marshal, Marshal, the State~~
23 ~~Bureau of Investigation,~~ and the chief of the fire department, or chief of police where there is no
24 chief of the fire department, in municipalities and towns, and the county fire marshal and the
25 sheriff of the county and the chief of the rural fire department where such fire occurs outside of
26 a municipality, are hereby authorized to investigate the cause, origin, and circumstances of every
27 fire occurring in such municipalities or counties in which property has been destroyed or
28 damaged, and shall specially make investigation whether the fire was the result of carelessness
29 or design. A preliminary investigation shall be made by the chief of fire department or chief of
30 police, where there is no chief of fire department in municipalities, and by the county fire marshal
31 and the sheriff of the county or the chief of the rural fire department where such fire occurs
32 outside of a municipality, and must be begun within three days, exclusive of Sunday, of the
33 occurrence of the fire, and the ~~Director of the State Bureau of Investigation, through the State~~
34 ~~Bureau of Investigation, Commissioner of Insurance, through the Office of the State Fire~~
35 ~~Marshal,~~ shall have the right to supervise and direct the investigation when ~~he~~ ~~the Commissioner~~
36 deems it expedient or necessary.

37 The officer making the investigation of fires shall forthwith notify the ~~Director of the State~~
38 ~~Bureau of Investigation, Commissioner of Insurance,~~ and must within one week of the occurrence
39 of the fire furnish to the ~~Director of the State Bureau of Investigation Commissioner of Insurance~~
40 a written statement of all facts relating to the cause and origin of the fire, the kind, value and
41 ownership of the property destroyed, and such other information as is called for by the forms
42 provided by the ~~Director of the State Bureau of Investigation Commissioner of Insurance.~~
43 Departments capable of submitting the required information by the utilization of computers and
44 related equipment, by means of an approved format of standard punch cards, magnetic tapes or
45 an approved telecommunications system, may do so in lieu of the submission of the written
46 statement as provided for in this section. The ~~Director of the State Bureau of Investigation~~
47 ~~Commissioner of Insurance~~ shall keep ~~in his office~~ a record of all reports submitted pursuant to
48 this section. These reports shall at all times be open to public inspection."

49 SECTION 3.(b) G.S. 58-79-5 reads as rewritten:

50 "§ 58-79-5. Commissioner of Insurance and Director of the State Bureau of Investigation 51 to make examination; arrests and prosecution.

1 It is the duty of the Commissioner of Insurance, through the Office of the Fire Marshal, and
2 the Director of the State Bureau of Investigation to examine, or cause examination to be made,
3 into the cause, circumstances, and origin of all fires occurring within the State to which ~~his-his~~
4 or her attention has been called in accordance with the provisions of G.S. 58-79-1, or by
5 interested parties, by which property is accidentally or unlawfully burned, destroyed, or
6 damaged, whenever in ~~his-his or her~~ judgment the evidence is sufficient, and to specially examine
7 and decide whether the fire was the result of carelessness or the act of an incendiary. The
8 Commissioner of Insurance, through the Office of State Fire Marshal, and the Director of the
9 State Bureau of Investigation shall, in person, by deputy or otherwise, fully investigate all
10 circumstances surrounding such fire, and, when in ~~his-their~~ opinion such proceedings are
11 necessary, take or cause to be taken the testimony on oath of all persons supposed to be cognizant
12 of any facts or to have means of knowledge in relation to the matters as to which an examination
13 is herein required to be made, and shall cause the same to be reduced in writing. If the
14 Commissioner of Insurance, through the Office of State Fire Marshal, and the Director of the
15 State Bureau of Investigation or any deputy appointed to conduct such investigations, ~~is-are~~
16 of the opinion that there is evidence to charge any person or persons with the crime of arson, or
17 other willful burning, or fraud in connection with the crime of arson or other willful burning, ~~he~~
18 the Director may arrest with a warrant or cause such person or persons to be arrested, charged
19 with such offense, and prosecuted, and shall furnish to the district attorney of the district all such
20 evidence, together with the names of witnesses and all other information ~~obtained by him,~~
21 obtained, including a copy of all pertinent and material testimony taken in the case."

22 **SECTION 3.(c)** G.S. 58-79-10 reads as rewritten:

23 **"§ 58-79-10. Powers of Commissioner of Insurance and Director of the State Bureau of**
24 **Investigation in investigations.**

25 The Commissioner of Insurance, through the Office of State Fire Marshal, and the Director
26 of the State Bureau of Investigation, or ~~his-their~~ deputy appointed to conduct such examination,
27 ~~has-have~~ the powers of a trial justice for the purpose of summoning and compelling the attendance
28 of witnesses to testify in relation to any matter which is by provisions of this Article a subject of
29 inquiry and investigation, and may administer oaths and affirmations to persons appearing as
30 witnesses before them. False swearing in any such matter or proceeding is perjury and shall be
31 punished as such. The Commissioner of Insurance, through the Office of State Fire Marshal, and
32 the Director of the State Bureau of Investigation or ~~his-their~~ deputy ~~has-have~~ authority at all times
33 of the day or night, in performance of the duties imposed by the provisions of this Article, to
34 enter upon and examine any building or premises where any fire has occurred, and other buildings
35 and premises adjoining or near the same. All investigations held by or under the direction of the
36 Commissioner of Insurance, through the Office of State Fire Marshal, and Director of the State
37 Bureau of Investigation or ~~his-their~~ deputy may, in their discretion, be private, and persons other
38 than those required to be present by the provisions of this Article may be excluded from the place
39 where the investigation is held, and witnesses may be kept apart from each other and not allowed
40 to communicate with each other until they have been examined."

41 **SECTION 3.(d)** G.S. 58-79-15 reads as rewritten:

42 **"§ 58-79-15. Failure to comply with summons or subpoena.**

43 The failure of a person to comply with a summons or subpoena of the Commissioner of
44 Insurance, through the Office of State Fire Marshal, and the Director of the State Bureau of
45 Investigation or ~~his-their~~ deputy under G.S. 58-79-10 shall be brought before a court of record
46 and punished as for contempt in the same manner as if he had failed to appear and testify before
47 said court of record."

48 **SECTION 3.(e)** G.S. 58-79-40 reads as rewritten:

49 **"§ 58-79-40. Insurance company to furnish information.**

50 (a) The chief of any municipal fire or police department, county fire marshal or sheriff,
51 ~~or~~ special agent of the State Bureau of ~~Investigation~~ Investigation, or the Office of State Fire

1 Marshal may request any insurance company investigating a fire loss of real or personal property
2 to release any information in its possession relative to that loss. The company shall release the
3 information and cooperate with any official authorized to request such information pursuant to
4 this section. The information shall include, but is not limited to:

- 5 (1) Any insurance policy relevant to a fire loss under investigation and any
6 application for such a policy;
- 7 (2) Policy premium payment records;
- 8 (3) History of previous claims made by the insured for fire loss;
- 9 (4) Material relating to the investigation of the loss, including statements of any
10 person, proof of loss, and any other relevant evidence.

11 (b) If an insurance company (or insurance agency) has reason to suspect that a fire loss
12 to its insured's real or personal property was caused by incendiary means, the company shall
13 furnish the State Bureau of ~~Investigation~~ Investigation, and the Office of State Fire Marshal, with
14 all relevant material acquired during its investigation of the fire loss, cooperate with and take
15 such action as may be requested of it by any law-enforcement agency, and permit any person
16 ordered by a court to inspect any of its records pertaining to the policy and the loss.

17 (c) In the absence of fraud or malice, no insurance company (or insurance agency), or
18 person who furnishes information on its behalf, shall be liable for damages in a civil action or
19 subject to criminal prosecution for any oral or written statement made or any other action that is
20 necessary to supply information required pursuant to this section.

21 (d) The officials and departmental and agency personnel receiving any information
22 furnished pursuant to this section shall hold the information in confidence until such time as its
23 release is required pursuant to a criminal or civil proceeding.

24 (e) Any official referred to in subsection (a) of this section may be required to testify as
25 to any information in his possession regarding the fire loss of real or personal property in any
26 civil action in which any person seeks recovery under a policy against an insurance company for
27 the fire loss."

28 **SECTION 3.(f)** This section becomes effective October 1, 2021.

29 30 **PART IV. FIRE DEPARTMENTS/DISCLOSE CRIMINAL HISTORY AND PROHIBIT** 31 **MEMBERS FROM SERVING IF CONVICTED OF CERTAIN CRIMES**

32 **SECTION 4.(a)** G.S. 143B-943 reads as rewritten:

33 **"§ 143B-943. Criminal history record checks of applicants to and current members of fire**
34 **departments and emergency medical services.**

35 (a) Definitions. – The following definitions apply in this section:

- 36 (1) Applicant. – A person who applies for a paid or volunteer position with a fire
37 department or an emergency medical service.
- 38 (2) Criminal history. – A State or federal history of conviction of a crime, whether
39 a misdemeanor or felony, that bears upon a covered person's fitness for
40 holding a paid or volunteer position with a fire department. The crimes
41 include, but are not limited to, criminal offenses as set forth in any of the
42 following Articles of Chapter 14 of the General Statutes: Article 5,
43 Counterfeiting and Issuing Monetary Substitutes; Article 5A, Endangering
44 ~~Executive and Legislative~~ Executive, Legislative, and Court Officers; Article
45 6, Homicide; Article 7B, Rape and Other Sex Offenses; Article 8, Assaults;
46 Article 10, Kidnapping and Abduction; Article 13, Malicious Injury or
47 Damage by Use of Explosive or Incendiary Device or Material; Article 14,
48 Burglary and Other Housebreakings; Article 15, Arson and Other Burnings;
49 Article 16, Larceny; Article 17, Robbery; Article 18, Embezzlement; Article
50 19, False Pretenses and Cheats; Article 19A, Obtaining Property or Services
51 by False or Fraudulent Use of Credit Device or Other Means; Article 19B,

1 Financial Transaction Card Crime Act; Article 20, Frauds; Article 21,
2 Forgery; Article 22, Damages and Other Offenses to Land and Fixtures;
3 Article 26, Offenses Against Public Morality and Decency; Article 26A, Adult
4 Establishments; Article 27, Prostitution; Article 28, Perjury; Article 29,
5 Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses Against
6 the Public Peace; Article 36A, Riots, Civil Disorders, and Emergencies;
7 Article 39, Protection of Minors; Article 40, Protection of the Family; Article
8 59, Public Intoxication; and Article 60, Computer-Related Crime. The crimes
9 also include possession or sale of drugs in violation of the North Carolina
10 Controlled Substances Act, Article 5 of Chapter 90 of the General Statutes,
11 and alcohol-related offenses such as sale to underage persons in violation of
12 G.S. 18B-302, or driving while impaired in violation of G.S. 20-138.1 through
13 G.S. 20-138.5.

14 (3) Current member. – A person who serves in a paid or volunteer position with
15 a fire department or an emergency medical service.

16 (b) When requested by a designated local Homeland Security director, a local fire chief
17 of a rated fire department, a county fire marshal, an emergency services director, or if there is no
18 designated local Homeland Security director, local fire chief of a rated fire department, county
19 fire marshal, or emergency services director, when requested by a local law enforcement agency,
20 the North Carolina Department of Public Safety may provide to the requesting director, chief,
21 marshal, ~~director,~~ or agency an applicant's or current member's criminal history from the State
22 and National Repositories of Criminal Histories. The local Homeland Security director, local fire
23 chief, marshal, director, or local law enforcement agency shall provide to the North Carolina
24 Department of Public Safety the fingerprints of the applicant to be checked, any additional
25 information required by the Department of Public Safety, and a form signed by the applicant to
26 be checked consenting to the (i) check of the criminal record and ~~to the~~ (ii) use of fingerprints
27 and other identifying information required by the State or National Repositories. The fingerprints
28 of the individual shall be forwarded to the State Bureau of Investigation for a search of the State
29 criminal history record file, and the State Bureau of Investigation shall forward a set of
30 fingerprints to the Federal Bureau of Investigation for a national criminal history record check.
31 The local Homeland Security director, local fire chief, county fire marshal, emergency services
32 director, or local law enforcement agency shall keep all information pursuant to this section
33 confidential. The Department of Public Safety shall charge a reasonable fee for conducting the
34 checks of the criminal history records authorized by this section. The requesting local Homeland
35 Security director, local fire chief, county fire marshal, or local law enforcement agency may
36 charge an applicant or current member the fee amount charged by the Department of Public
37 Safety for the criminal history record check of the applicant or current member.

38 (c) All releases of criminal history information to the local Homeland Security director,
39 local fire chief, county fire marshal, emergency services director, or local law enforcement
40 agency shall be subject to, and in compliance with, rules governing the dissemination of criminal
41 history record checks as adopted by the North Carolina Department of Public Safety. All of the
42 information the local Homeland Security director, local fire chief, county fire marshal,
43 emergency services director, or local law enforcement agency receives through the checking of
44 the criminal history is privileged information and for the exclusive use of that director, chief,
45 marshal, or agency.

46 (d) If the applicant's or current member's verified criminal history record check reveals
47 one or more convictions ~~covered under subdivision (a)(2) of a crime listed in subsection (a) of~~
48 ~~this section, then the conviction shall constitute~~ constitutes just cause for not selecting the
49 applicant for the position or for dismissing the current member from a current position with the
50 local fire department or emergency medical services. The Except as provided in subsection (d1)
51 of this section, the conviction shall does not automatically prohibit volunteering or employment;

1 however, the following factors shall be considered by the local Homeland Security director, local
2 fire chief, county fire marshal, emergency services director, or local law enforcement agency in
3 determining whether the ~~position applicant~~ shall be denied or the current member dismissed from
4 a current position:

- 5 (1) The level and seriousness of the ~~crime;crime.~~
- 6 (2) The date of the ~~crime;crime.~~
- 7 (3) The age of the person at the time of the ~~conviction;conviction.~~
- 8 (4) The circumstances surrounding the commission of the crime, if
9 ~~known;known.~~
- 10 (5) The nexus between the criminal conduct of the person and the duties of the
11 ~~person;person.~~
- 12 (6) The prison, jail, probation, parole, rehabilitation, and employment records of
13 the person since the date the crime was ~~committed;andcommitted.~~
- 14 (7) The subsequent commission by the person of a crime listed in subsection (a)
15 of this section.

16 (d1) An applicant is prohibited from serving in a paid or volunteer position with a fire
17 department if the applicant's verified criminal history record check reveals a conviction of arson
18 or another felony conviction involving burning or setting fire under Article 14, Article 22, or any
19 other Article of Chapter 15 of the General Statutes. A local Homeland Security director, local
20 fire chief, county fire marshal, or local law enforcement agency, as applicable, shall request, and
21 an applicant shall disclose, any pending felony charges involving burning or setting fire under
22 Article 14, Article 22, or any other Article of Chapter 15 of the General Statutes. Upon becoming
23 aware of pending felony charges, through the required disclosure or by other means, a local
24 Homeland Security director, local fire chief, county fire marshal, or local law enforcement
25 agency shall not offer the applicant a paid or volunteer position, except as provided in subsection
26 (f) of this section.

27 ~~(e) The local fire department or emergency medical services may deny the an applicant~~
28 ~~or current member the position or dismiss an applicant or a current member who refuses to~~
29 ~~consent to a criminal history record check or use of fingerprints or other identifying information~~
30 ~~required by the State or National Repositories of Criminal Histories. This refusal constitutes just~~
31 ~~cause for the denial of the position or the dismissal from a current position. The emergency~~
32 ~~medical services may extend a conditional offer of the position pending the results of a criminal~~
33 ~~history record check required by this section.~~

34 (f) The local fire department shall deny an applicant the position and may dismiss a
35 current member who refuses to consent to a criminal history record check or use of fingerprints
36 or other identifying information required by the State or National Repositories of Criminal
37 Histories. This refusal constitutes just cause for the denial of the position or the dismissal from a
38 current position. The local fire department or emergency medical services may extend a
39 conditional offer of the position pending the (i) results of a criminal history record check
40 authorized required by this section section or (ii) final disposition of felony charges disclosed as
41 required by this section or otherwise discovered.

42 (g) For purposes of this section, "local fire chief" shall include the fire chief of any bona
43 fide fire department certified to the Commissioner of Insurance with at least a Class 9S rating for
44 insurance grading purposes; "county fire marshal" shall include only fire marshals who are paid
45 employees of a county; and "emergency services director" shall include only emergency services
46 directors who are paid employees of a city or county."

47 **SECTION 4.(b)** G.S. 153A-233 reads as rewritten:

48 **"§ 153A-233. Fire-fighting and prevention services.**

49 A county may establish, organize, equip, support, and maintain a fire department; may
50 prescribe the duties of the fire department; may provide financial assistance to incorporated
51 volunteer fire departments; may contract for fire-fighting or prevention services with one or more

1 ~~counties, cities, or cities or~~ other units of local ~~government~~ government, incorporated volunteer
2 ~~fire departments,~~ or with an agency of the State ~~government,~~ or with one or more incorporated
3 ~~volunteer fire departments;~~ government; and may for these purposes appropriate funds not
4 otherwise limited as to use by law. A county shall ensure that any county, city or other unit of
5 local government, or incorporated volunteer fire department with whom the county contracts for
6 fire-fighting or prevention services shall obtain a criminal history record check of any person
7 who applies for a paid or volunteer position providing fire-fighting or prevention services. The
8 criminal history record check shall be conducted and evaluated as provided in G.S. 143B-943.
9 The county may also designate fire districts or parts of existing districts and prescribe the
10 boundaries thereof for insurance grading purposes."

11 **SECTION 4.(c)** G.S. 153A-234 reads as rewritten:

12 **"§ 153A-234. Fire marshal.**

13 (a) A county may appoint a fire marshal and employ persons as his assistants. A county
14 may also impose any duty that might be imposed on a fire marshal on any other officer or
15 employee of the county. The board of commissioners shall set the duties of the fire marshal,
16 which may include but are not limited to:

- 17 (1) Advising the board on improvements in the fire-fighting or fire prevention
18 activities under the county's supervision or control.
- 19 (2) Coordinating fire-fighting and training activities under the county's
20 supervision or control.
- 21 (3) Coordinating fire prevention activities under the county's supervision or
22 control.
- 23 (4) Assisting incorporated volunteer fire departments in developing and
24 improving their fire-fighting or fire prevention capabilities.
- 25 (5) Making fire prevention inspections, including the periodic inspections and
26 reports of school buildings required by Chapter 115 and the inspections of
27 child care facilities required by Chapter 110. A fire marshal shall not make
28 electrical inspections unless he is qualified to do so under G.S. 153A-351.

29 (b) The fire marshal shall obtain a criminal history record check of any person who
30 applies for a paid or volunteer position with the fire department. The criminal history record
31 check shall be conducted and evaluated as provided in G.S. 143B-943."

32 **SECTION 4.(d)** G.S. 160A-292 reads as rewritten:

33 **"§ 160A-292. Duties of fire chief.**

34 (a) Where not otherwise prescribed, the duties of the fire chief shall be to preserve and
35 care for fire apparatus, have charge of fighting and extinguishing fires and training the fire
36 department, seek out and have corrected all places and conditions dangerous to the safety of the
37 city and its citizens from fire, and make annual reports to the council concerning these duties. If
38 these duties include State Building Code enforcement, they shall follow the provisions as defined
39 in G.S. 143-151.13.

40 (b) The fire chief shall obtain a criminal history record check of any person who applies
41 for a paid or volunteer position with the fire department. The criminal history record check shall
42 be conducted and evaluated as provided in G.S. 143B-943."

43 **SECTION 4.(e)** This section is effective when it becomes law and applies to
44 applications submitted on or after that date.

45 **PART V. SAVINGS CLAUSE AND EFFECTIVE DATE**

46 **SECTION 5.(a)** Prosecutions for offenses committed before the effective date of
47 this act are not abated or affected by this act, and the statutes that would be applicable but for
48 this act remain applicable to those prosecutions.

49 **SECTION 5.(b)** Except as otherwise provided, this act becomes effective December
50 1, 2021, and applies to offenses committed on or after that date.
51