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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **3352**

March 4, 2010

Authored by Lesch

The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight

March 17, 2010

Committee Recommendation and Adoption of Report:

To Pass

Read Second Time

1.1 A bill for an act
1.2 relating to public safety; modifying fire safety provisions to require state fire
1.3 marshal to coordinate investigation of fatal fires; clarifying or removing obsolete,
1.4 redundant, or unnecessary language; amending Minnesota Statutes 2008, section
1.5 299F.04.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2008, section 299F.04, is amended to read:

1.8 **299F.04 ORIGIN OF FIRE INVESTIGATED.**

1.9 Subdivision 1. **Duty.** (a) The chief of the fire department of each statutory or home
1.10 rule charter city in which a fire department is established, and the mayor of each home
1.11 rule charter city in which no fire department exists, and the president of the statutory city
1.12 board city council of each statutory city in which no fire department exists, and the town
1.13 clerk of each town without the limits of any ~~city or~~ statutory or home rule charter city,
1.14 shall investigate, or cause to be investigated, the cause, origin, and circumstances of each
1.15 fire occurring in the ~~city, statutory~~ city or town by which property has been destroyed or
1.16 damaged when the damage exceeds \$100, except that all fatal fires and fires of unknown
1.17 origin shall be reported to the state fire marshal, and shall especially make investigation as
1.18 to whether the fire was the result of carelessness, accident, or design.

1.19 (b) The fire chief, mayor, council president, or town clerk shall expeditiously
1.20 notify the state fire marshal of any fatal fire. The state fire marshal shall coordinate the
1.21 investigation into the cause, origin, and circumstances of every fatal fire.

1.22 Subd. 2. **Coordination by state fire marshal.** The investigation shall be begun
1.23 within two days of the occurrence of the fire and the state fire marshal ~~shall have the~~

2.1 ~~right to~~ may coordinate the investigation on deeming it necessary and, in the case of a
2.2 fatal fire, shall coordinate the investigation.

2.3 Subd. 3. **Reporting and records requirements.** The officer making investigation of
2.4 fires occurring in ~~cities~~, statutory or home rule charter cities ~~and~~ or towns shall forthwith
2.5 notify the state fire marshal and shall, within one week of the occurrence of the fire,
2.6 furnish to the state fire marshal a written statement of all the facts relating to the cause and
2.7 origin of the fire and such further information as may be called for by the blanks furnished
2.8 by the state fire marshal. The state fire marshal shall keep a record of all fires occurring
2.9 in the state, together with all facts, statistics, and circumstances, including the origin of
2.10 the fires, which may be determined by the investigation provided by this chapter. These
2.11 statistics shall be at all times open to public inspection.

2.12 Subd. 3a. **Arson investigative data system.** (a) As used in this section, "criminal
2.13 justice agency" means state and local prosecution authorities, state and local law
2.14 enforcement agencies, local fire departments, and the Office of State Fire Marshal.

2.15 (b) The state fire marshal shall administer and maintain a computerized arson
2.16 investigative data system for the purpose of assisting criminal justice agencies in the
2.17 investigation and prosecution of suspected arson violations. This data system is separate
2.18 from the reporting system maintained by the Department of Public Safety under section
2.19 299F.05, subdivision 2. The system consists of data on individuals who are 14 years
2.20 old or older who law enforcement agencies determine are or may be engaged in arson
2.21 activity. Notwithstanding section 260B.171, subdivision 5, data in the system on adults
2.22 and juveniles may be maintained together. Data in the system must be submitted and
2.23 maintained as provided in this subdivision.

2.24 (c) Subject to the provisions of paragraph (d), a criminal justice agency may submit
2.25 the following data on suspected arson violations to the arson investigative data system:

2.26 (1) the suspect's name, known aliases, if any, and other identifying characteristics;

2.27 (2) the modus operandi used to commit the violation, including means of ignition;

2.28 (3) any known motive for the violation;

2.29 (4) any other crimes committed as part of the same behavioral incident;

2.30 (5) the address of the building, the building owner's identity, and the building
2.31 occupant's identity; and

2.32 (6) the name of the reporting agency and a contact person.

2.33 A criminal justice agency that reports data to the arson investigative data system shall
2.34 maintain records documenting the data in its own records system for at least the time
2.35 period specified in paragraph (e).

3.1 (d) The state fire marshal shall maintain in the arson investigative data system any
3.2 of the data reported under paragraph (c) that the fire marshal believes will assist in the
3.3 investigation and prosecution of arson cases. In lieu of or in connection with any of these
3.4 data, the state fire marshal may include in the data system a reference to the criminal justice
3.5 agency that originally reported the data, with a notation to system users that the agency is
3.6 the repository of more detailed information on the particular suspected arson violation.

3.7 (e) Notwithstanding section 138.17, the state fire marshal shall destroy data on
3.8 juveniles entered into the system when three years have elapsed since the data were
3.9 entered into the system, except as otherwise provided in this paragraph. If the fire marshal
3.10 has information that, since entry of data into the system, the juvenile has been convicted
3.11 as an adult or has been adjudicated or has a stayed adjudication as a juvenile for an
3.12 offense that would be a crime if committed by an adult, the data must be maintained until
3.13 three years have elapsed since the last record of a conviction, adjudication, or stayed
3.14 adjudication of the individual. Upon request of the criminal justice agency that submitted
3.15 data to the system, the state fire marshal shall destroy the data regardless of whether three
3.16 years have elapsed since the data were entered into the system.

3.17 (f) Data in the arson investigative data system are confidential data on individuals as
3.18 defined in section 13.02, subdivision 3, but are accessible to criminal justice agencies.

3.19 Subd. 4. **Investigation by state fire marshal.** The state fire marshal may conduct
3.20 further investigation necessary to establish reasonable grounds to believe that a violation
3.21 of ~~Minnesota Statutes 1976~~, sections 609.561 to 609.576, has occurred.

3.22 Subd. 5. **Coroner notification.** (a) As used in this subdivision, "chief officer" means
3.23 the city fire marshal or chief officer of a law enforcement agency's arson investigation unit
3.24 in a city of the first class.

3.25 (b) ~~The officer making investigation of a fire resulting in a human death shall~~
3.26 ~~immediately notify either the state fire marshal or a chief officer. The state fire marshal or~~
3.27 ~~chief officer may conduct an investigation to establish the origin and cause regarding the~~
3.28 ~~circumstance of the death. If the chief officer undertakes the investigation, the officer shall~~
3.29 ~~promptly notify the state fire marshal of the investigation and, after the investigation is~~
3.30 ~~completed, shall forward a copy of the investigative report to the state fire marshal. Unless~~
3.31 ~~the investigating officer does so, The state fire marshal or chief officer shall immediately~~
3.32 notify the appropriate coroner or medical examiner of a human death occurring as a
3.33 result of a fire. The coroner or medical examiner shall perform an autopsy in the case of
3.34 a human death as provided in section 390.11, subdivision 2a, or 390.32, subdivision
3.35 2a, as appropriate.