

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H.B. 22
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30012-MH-13

Short Title: Fire Investigation Law Revisions.

(Public)

Sponsors: Representative Miller.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO EXPAND THE INVESTIGATORY POWERS OF THE OFFICE OF THE STATE
3 FIRE MARSHAL WITH RESPECT TO CERTAIN FIRE INVESTIGATIONS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 79 of Chapter 58 of the General Statutes reads as rewritten:

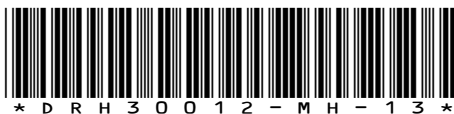
6 "Article 79.

7 "Investigation of Fires and Inspection of Premises.

8 "§ 58-79-1. Fires investigated; reports; records.

9 The Director of the State Bureau of Investigation, through the State Bureau of Investigation,
10 the Office of the State Fire Marshal, and the chief of the fire department, or chief of police where
11 there is no chief of the fire department, in municipalities and towns, and the county fire marshal
12 and the sheriff of the county and the chief of the rural fire department where such fire occurs
13 outside of a municipality, are hereby authorized to investigate the cause, origin, and
14 circumstances of every fire occurring in such municipalities or counties in which property has
15 been destroyed or damaged, and shall specially make investigation whether the fire was the result
16 of carelessness or design. A preliminary investigation shall be made by the chief of fire
17 department or chief of police, where there is no chief of fire department in municipalities, and by
18 the county fire marshal and the sheriff of the county or the chief of the rural fire department
19 where such fire occurs outside of a municipality, and must be begun within three days, exclusive
20 of Sunday, of the occurrence of the fire, and either the Director of the State Bureau of
21 Investigation, through the State Bureau of Investigation, or the State Fire Marshal, through the
22 Office of the State Fire Marshal, shall have the right to supervise and direct the investigation
23 when he deems it expedient or necessary as determined by the official who conducts the
24 preliminary investigation. If the official who conducts the preliminary investigation requests
25 investigative assistance from a State agency, the Director of the State Bureau of Investigation,
26 through the State Bureau of Investigation, shall have the exclusive right to supervise and direct
27 investigations in cases involving death or serious bodily injury, first- or second-degree arson,
28 buildings owned or occupied by State or local government, and buildings owned or leased by
29 educational institutions, churches, or religious buildings.

30 ~~The officer making the investigation of fires shall forthwith notify the Director of the State~~
31 ~~Bureau of Investigation, and must within one week of the occurrence of the fire furnish to the~~
32 ~~Director of the State Bureau of Investigation a written statement of all facts relating to the cause~~
33 ~~and origin of the fire, the kind, value and ownership of the property destroyed, and such other~~
34 ~~information as is called for by the forms provided by the Director of the State Bureau of~~
35 ~~Investigation. Departments capable of submitting the required information by the utilization of~~
36 ~~computers and related equipment, by means of an approved format of standard punch cards,~~



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1 magnetic tapes or an approved telecommunications system, may do so in lieu of the submission
2 of the written statement as provided for in this section. The Director of the State Bureau of
3 Investigation shall keep in his office a record of all reports submitted pursuant to this section.
4 These reports shall at all times be open to public inspection.

5 **"§ 58-79-5. Director of the State Bureau of Investigation and the State Fire Marshal to**
6 **make examination; arrests and prosecution.**

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

27 **"§ 58-79-10. Powers of the Director of the State Bureau of Investigation and the State Fire**
28 **Marshal in investigations.**

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

44 **"§ 58-79-15. Failure to comply with summons or subpoena.**

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

49 ...

50 **"§ 58-79-40. Insurance company to furnish information.**

1 (a) The chief of any municipal fire or police department, county fire marshal or sheriff,
2 or special agent of the State Bureau of Investigation or the Office of the State Fire Marshal may
3 request any insurance company investigating a fire loss of real or personal property to release
4 any information in its possession relative to that loss. The company shall release the information
5 and cooperate with any official authorized to request such information pursuant to this section.
6 The information shall include, but is not limited to:

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

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

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

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

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

30"

31 **SECTION 2.** This act becomes effective October 1, 2025.