



Representatives Jamie Callender and Adam Mathews

Sponsor Testimony: House Bill 313, Regarding Firearms for Fire Investigators

House Government Oversight Committee

December 5, 2023

Chair Peterson, Vice Chair Thomas, Ranking Member Humphrey, and members of the House Government Oversight Committee, thank you for the opportunity to testify on HB 313.

In Ohio, there are approximately 1000 fire investigators serving across Ohio's 1180 fire departments. Many of them are only part time fire investigators, spending the bulk of their time as firefighters or EMTs. This has created issues for both investigators and departments as they navigate the grey area that is the authorities and duties of a fire investigator.

Currently, there are only 3 sentences defining what the role of a fire investigator is in the ORC. For decades, this has created a patchwork of interpretations across Ohio. Some departments allow their fire investigators to carry firearms for self-defense, others do not. Some departments, mostly the larger department with economies of size to allow extra training without financial difficulty, send their fire investigators to OPOTA or similar training courses, others do not. The language surrounding fire investigators has not been updated since before the Ohio General Code became the Ohio Revised Code. It has been 70 years and Ohio, as has the nation, has changed in that time.

Despite not being defined as a peace officer, investigators are called upon to conduct the investigation following a fire and make the determination if it was or was not arson, a felony. They have the authority to compel witnesses, enter properties, and make arrests, but are not given any of the training or statutory protection offered to peace officers or detectives. In the pursuit of justice, investigating felonies and those who perpetrate those crimes, Ohio Fire Investigators may, or may not, have the ability to defend themselves and the public based upon variations in the interpretations of just three sentences.

This bill aims to address this issue by defining what a fire investigator is and creates permissive language for municipalities to allow their fire investigators to carry in the line of duty and more importantly clarify the current laws and create training standards for municipalities who wish to protect their investigators. This permissive language mirrors the inclusion of Tactical Medical Providers (TMP), the paramedics/firefighters who join SWAT teams when they are called into action, and medical examiners to those who have qualified immunity and are permitted to carry a firearm in the conduct of their duties during the 132nd General Assembly (HB 79, Retherford/Hagan). Further mirroring this language, in order to qualify to carry a firearm, the fire investigator will have to be OPOTA certified to the same standard as other peace offices and the TMP's.

As we progress through the committee process, you will hear from fire investigators about the threats they face in the line of duty and why they need to be able to protect themselves.

It is for the above reasons and many more that Ohio should pass HB 313. Mr Chairman and members of the committee, thank you for the opportunity to testify today. We look forward to any questions you may have.