

2026 Regular Session

HOUSE BILL NO. 522

BY REPRESENTATIVE FONTENOT

FIRE PROTECT/FIRE MARSHAL: Provides relative to authority of the state fire marshal to make arrests and carry firearms

1 AN ACT

2 To amend and reenact R.S. 40:1563.1, to enact R.S. 40:1563.1.1, and to repeal R.S.  
3 40:1563.1, relative to the state fire marshal; to provide for the authority of the state  
4 fire marshal and individuals within the office of the state fire marshal; to provide  
5 relative to investigative authority; to provide relative to the power of arrest; to  
6 authorize the carrying of firearms; to provide for immunities and defenses; to  
7 provide relative to the issuance of commissions; to provide for a definition; to  
8 provide for dates of termination and effectiveness; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:1563.1 is hereby amended and reenacted to read as follows:

11 §1563.1. Authority to make arrests and carry firearms; ~~arson task force~~

12 ~~A. The fire marshal, the first assistant fire marshal, each deputy fire marshal,~~  
13 ~~certified local authorities, and state or municipal arson investigators, while engaged~~  
14 ~~in the performance of their duties as such, shall have the authority to investigate and~~  
15 ~~cause the arrest of individuals suspected of having violated the following criminal~~  
16 ~~laws:~~

17 (1) ~~R.S. 14:51, aggravated arson.~~

18 (2) ~~R.S. 14:52, simple arson.~~

19 (3) ~~R.S. 14:52.1, simple arson of a religious building.~~

20 (4) ~~R.S. 14:53, arson with intent to defraud.~~

- 1                   ~~(5) R.S. 14:54, placing combustible material.~~
- 2                   ~~(6) R.S. 14:54.1, communicating false information of planned arson.~~
- 3                   ~~(7) R.S. 14:54.2, manufacture and possession of delayed action incendiary~~
- 4                   ~~devices.~~
- 5                   ~~(8) R.S. 14:54.3, manufacture and possession of a bomb.~~
- 6                   ~~(9) R.S. 14:54.5, fake explosive devices.~~
- 7                   ~~(10) R.S. 14:59(A)(2), criminal mischief relating to the giving of any false~~
- 8                   ~~alarm of fire.~~
- 9                   ~~(11) R.S. 14:204, fire-raising on lands of another by criminal negligence.~~
- 10                  ~~(12) R.S. 14:205, fire-raising on lands of another with malice.~~
- 11                  ~~(13) R.S. 14:206, fire prevention interference.~~
- 12                  ~~(14) R.S. 14:327, obstructing a fireman.~~
- 13                  ~~(15) R.S. 22:1924, insurance fraud.~~
- 14                  ~~(16) R.S. 22:1925, insurance fraud.~~
- 15                  ~~(17) R.S. 14:51.1, injury by arson.~~
- 16                  ~~(18) R.S. 15:562.5, failure to register.~~
- 17                  ~~(19) R.S. 40:1621, violation of fire marshal's orders. This Paragraph shall~~
- 18                  ~~be limited to fire marshal orders related to activities or instances determined by the~~
- 19                  ~~fire marshal to pose an immediate danger to life.~~
- 20                  ~~(20) R.S. 14:206.1, engaging in life safety and property protection~~
- 21                  ~~contracting without authority.~~
- 22                  ~~(21) Any other criminal laws making unlawful an attempt or conspiracy to~~
- 23                  ~~commit the foregoing offenses.~~
- 24                  ~~B. The officials enumerated in this Section shall also have the power to seize~~
- 25                  ~~contraband subject to forfeiture as described in R.S. 14:54.4, in accordance with the~~
- 26                  ~~procedure established in that provision.~~
- 27                  ~~C. The fire marshal, the first assistant fire marshal, and each deputy fire~~
- 28                  ~~marshal shall have the authority to investigate and cause the arrest of any person~~
- 29                  ~~suspected of having committed any offense connected to the investigation of any of~~

1 ~~the offenses enumerated in Subsection A of this Section, or connected to the~~  
2 ~~investigation of a burn injury report submitted to the office of state fire marshal in~~  
3 ~~accordance with R.S. 14:403.4.~~

4 ~~D. The fire marshal shall issue a commission to any state arson investigator~~  
5 ~~who qualifies as P.O.S.T. certified to carry firearms allowing him to carry and use~~  
6 ~~firearms and to arrest individuals suspected of violating the crimes enumerated in~~  
7 ~~this Section.~~

8 ~~E. The governing authority of a political subdivision may authorize the chief~~  
9 ~~of each fire protection district, each fire department, and each volunteer fire~~  
10 ~~department which is within that political subdivision to issue a commission to any~~  
11 ~~local arson investigator allowing him to carry and use firearms and to arrest~~  
12 ~~individuals suspected of violating crimes enumerated in this Section. The issuance~~  
13 ~~of a commission pursuant to this Subsection, the powers granted by those~~  
14 ~~commissions, and the use of firearms by the persons to whom those commissions are~~  
15 ~~issued shall be subject to all of the following provisions:~~

16 ~~(1) The chief of each fire protection district, each fire department, and each~~  
17 ~~volunteer fire department who issues a commission to a local arson investigator may~~  
18 ~~require that the local arson investigator be certified by the Council on Peace Officer~~  
19 ~~Standards and Training or be qualified by the Council on Peace Officer Standards~~  
20 ~~and Training, or both.~~

21 ~~(2) The chief of each fire protection district, each fire department, and each~~  
22 ~~volunteer fire department who requires that local arson investigators to whom that~~  
23 ~~chief issues commissions be P.O.S.T. certified or P.O.S.T. qualified, or both, shall~~  
24 ~~pay the cost of providing to those local arson investigators the training necessary to~~  
25 ~~obtain the P.O.S.T. certification or the P.O.S.T. qualification, or both.~~

26 ~~(3) Local arson investigators who are required by their chief to be P.O.S.T.~~  
27 ~~certified or P.O.S.T. qualified, or both, are specifically authorized to attend any~~  
28 ~~school or training course which is operated by a commercial entity or which is~~  
29 ~~operated by a public agency and which is open to peace officers from more than one~~

1 ~~law enforcement agency. Each person or agency operating a school or a training~~  
 2 ~~course which is attended by local arson investigators shall award the appropriate~~  
 3 ~~document or documents to each local arson investigator who successfully completes~~  
 4 ~~the requirements for P.O.S.T. certification or for P.O.S.T. qualification, or both. The~~  
 5 ~~Louisiana Commission on Law Enforcement and Administration of Criminal Justice~~  
 6 ~~and the Council on Peace Officer Standards and Training shall make the provisions~~  
 7 ~~which are necessary to enable local arson investigators to attend the required schools~~  
 8 ~~and training courses and for those local arson investigators who successfully~~  
 9 ~~complete the requirements for P.O.S.T. certification or P.O.S.T. qualification, or for~~  
 10 ~~both, to receive the appropriate documents to demonstrate the P.O.S.T. certification~~  
 11 ~~or P.O.S.T. qualification, or both.~~

12 ~~(4) Possession of a P.O.S.T. certification or P.O.S.T. qualification, or both,~~  
 13 ~~by a local arson investigator shall not grant to that local arson investigator any~~  
 14 ~~authority other than the authority granted by a commission issued pursuant to this~~  
 15 ~~Subsection.~~

16 ~~(5) The authority granted by a commission which is issued under the~~  
 17 ~~provisions of this Subsection shall be limited to the powers, functions, duties, and~~  
 18 ~~responsibilities which are set forth for local arson investigators in this Section. A~~  
 19 ~~commission which is issued under the provisions of this Subsection shall not grant~~  
 20 ~~any authority other than the powers, functions, duties, and responsibilities which are~~  
 21 ~~set forth for local arson investigators in this Section.~~

22 ~~(6) The authority to carry and use firearms which is granted to local arson~~  
 23 ~~investigators by a commission which is issued under the provisions of this~~  
 24 ~~Subsection is limited to the power to carry weapons while acting in the course and~~  
 25 ~~scope of their duties as local arson investigators. Local arson investigators may~~  
 26 ~~carry concealed weapons while acting in the course and scope of their duties, and the~~  
 27 ~~provisions of R.S. 14:95 shall not apply to local arson investigators who carry~~  
 28 ~~concealed weapons while acting in the course and scope of their duties.~~

1           ~~F. The fire marshal shall have the authority to commission local certified~~  
2           ~~arson investigators to serve on a multi-jurisdictional arson task force operated by the~~  
3           ~~fire marshal. The fire marshal shall have the power to promulgate rules and~~  
4           ~~regulations to accomplish the operations and functions of the task force and to issue~~  
5           ~~orders for the enforcement of such rules and regulations.~~

6           A.(1) The state fire marshal, the first assistant fire marshal, and each deputy  
7           fire marshal shall have the authority to do all of the following while engaged in the  
8           performance of their duties:

9           (a) Investigate and cause the arrest of individuals.

10          (b) Enforce the laws of the state.

11          (c) Perform any other related duties imposed upon them by law.

12          (2) The state fire marshal, the first assistant fire marshal, and each deputy  
13          fire marshal may carry weapons concealed or exposed while in the performance of  
14          their duties and shall be vested with the same authority and powers conferred by law  
15          upon regular law enforcement officers of the state.

16          (3) The state fire marshal, the first assistant fire marshal, and each deputy  
17          fire marshal shall have all immunities and defenses in any suit brought against them  
18          as a consequence of acts performed in the course and scope of their employment.

19          B. The state fire marshal shall issue a commission that authorizes the  
20          carrying of firearms to any state arson investigator who is certified in the use of  
21          firearms by the Peace Officer Standards and Training Council. Any state arson  
22          investigator who is issued a commission pursuant to this Subsection is authorized to  
23          carry and use firearms and to arrest individuals suspected of committing a criminal  
24          offense.

25          C.(1) The governing authority of a political subdivision may authorize the  
26          chief of each fire protection district and each fire department to issue a commission  
27          to any local arson investigator that allows the investigator to carry and use firearms  
28          and to arrest individuals suspected of committing a criminal offense.

1           (2) A local arson investigator who receives a commission pursuant to this  
2           Subsection shall obtain P.O.S.T. firearm credentials. The chief of the fire protection  
3           district or the fire department shall pay the cost of providing the necessary training  
4           to a local arson investigator in order to obtain P.O.S.T. firearm credentials.

5           (3) A local arson investigator who is required to obtain P.O.S.T. firearm  
6           credentials may attend any school or training course that is operated by a commercial  
7           entity or a public agency and is open to peace officers from more than one law  
8           enforcement agency. Each person or agency operating a school or a training course  
9           that is attended by a local arson investigator shall award the appropriate  
10          documentation to each local arson investigator who successfully completes the  
11          requirements for obtaining P.O.S.T. firearm credentials. The Louisiana Commission  
12          on Law Enforcement and Administration of Criminal Justice and the Council on  
13          Peace Officer Standards and Training shall take any necessary action to enable a  
14          local arson investigator to attend the required schools and training courses and to  
15          ensure a local arson investigator receives the appropriate documents to demonstrate  
16          that he has successfully obtained P.O.S.T. firearm credentials upon completion of the  
17          required schooling and training.

18          (4) Possession of P.O.S.T. firearm credentials does not grant a local arson  
19          investigator any authority beyond the scope of the commission issued pursuant to  
20          this Subsection.

21          (5) The authority granted by a commission that is issued pursuant to this  
22          Subsection shall be limited to only the powers, functions, duties, and responsibilities  
23          that are established for a local arson investigator in this Section.

24          (6) The authority of a local arson investigator to carry and use firearms  
25          pursuant to this Subsection is limited to the carrying of weapons while acting in the  
26          course and scope of his official duties. A local arson investigator who carries a  
27          concealed weapon pursuant to this Paragraph shall not be subject to criminal  
28          prosecution for a violation of R.S. 14:95.

1           (7) For purposes of this Subsection, "P.O.S.T. firearm credentials" means a  
2           certification, qualification, or both, in the use of firearms by the Council on Peace  
3           Officer Standards and Training.

4           D. The provisions of this Section shall be null and void on June 30, 2028.

5           Section 2. R.S. 40:1563.1.1 is hereby enacted to read as follows:

6           §1563.1.1. Authority to make arrests and carry firearms

7           A. The state fire marshal, the first assistant fire marshal, and each deputy fire  
8           marshal, while engaged in the performance of their official duties, are authorized to  
9           investigate and cause the arrest of individuals suspected of having committed any of  
10          the following:

11           (1) R.S. 14:51 (Aggravated arson).

12           (2) R.S. 14:51.1 (Injury by arson).

13           (3) R.S. 14:52 (Simple arson).

14           (4) R.S. 14:52.1 (Simple arson of a religious building).

15           (5) R.S. 14:53 (Arson with intent to defraud).

16           (6) R.S. 14:54.1 (Communicating of false information of planned arson).

17           (7) R.S. 14:54.2 (Manufacture and possession of delayed action incendiary  
18          devices).

19           (8) R.S. 14:54.3 (Manufacture and possession of a bomb).

20           (9) R.S. 14:54.5 (Fake explosive device).

21           (10) R.S. 14:59(A)(2) (Criminal mischief relative to the giving of any false  
22          alarm of fire).

23           (11) R.S. 14:204 (Fire-raising on lands of another by criminal negligence).

24           (12) R.S. 14:205 (Fire-raising on lands of another with malice).

25           (13) R.S. 14:206 (Fire prevention interference).

26           (14) R.S. 14:206.1 (Engaging in life safety and property protection  
27          contracting without authority).

28           (15) R.S. 14:327 (Obstructing a fireman).

29           (16) R.S. 15:562.5 (Failure to register).

1                   (17) R.S. 22:1924 (Insurance fraud; prohibited activities and sanctions).

2                   (18) R.S. 22:1925 (Insurance fraud; automobile insurance policies).

3                   (19) R.S. 40:1621 (Violation of fire marshal's orders limited to fire marshal  
4 orders related to activities or instances determined by the fire marshal to pose an  
5 immediate danger to life).

6                   (20) Any other criminal laws that prohibit an attempt or conspiracy to  
7 commit the offenses provided in this Subsection.

8                   B. The officials enumerated in this Section are authorized to seize  
9 contraband that is subject to forfeiture as provided in R.S. 14:54.4.

10                  C. The state fire marshal, the first assistant fire marshal, and each deputy fire  
11 marshal are authorized to investigate and cause the arrest of any of the following:

12                   (1) A person suspected of committing any offense connected to the  
13 investigation of any offense provided in Subsection A of this Section.

14                   (2) A person connected to the investigation of a burn injury report that is  
15 submitted to the office of state fire marshal in accordance with R.S. 14:403.4.

16                   D. The state fire marshal shall issue a commission that authorizes the  
17 carrying of firearms to any state arson investigator who is certified in the use of  
18 firearms by the Peace Officer Standards and Training Council. Any state arson  
19 investigator who is issued a commission pursuant to this Subsection is authorized to  
20 carry and use firearms and to arrest individuals suspected of committing the offenses  
21 provided in Subsection A of this Section.

22                   E.(1) The governing authority of a political subdivision may authorize the  
23 chief of each fire protection district and each fire department to issue a commission  
24 to any local arson investigator that allows the investigator to carry and use firearms  
25 and to arrest individuals suspected of committing the offenses provided in  
26 Subsection A of this Section.

27                   (2) A local arson investigator who receives a commission pursuant to this  
28 Subsection shall obtain P.O.S.T. firearm credentials. The chief of the fire protection

1 district or the fire department shall pay the cost of providing the necessary training  
2 to a local arson investigator in order to obtain P.O.S.T. firearm credentials.

3 (3) A local arson investigator who is required to obtain P.O.S.T. firearm  
4 credentials may attend any school or training course that is operated by a commercial  
5 entity or a public agency and is open to peace officers from more than one law  
6 enforcement agency. Each person or agency operating a school or a training course  
7 that is attended by a local arson investigator shall award the appropriate  
8 documentation to each local arson investigator who successfully completes the  
9 requirements for obtaining P.O.S.T. firearm credentials. The Louisiana Commission  
10 on Law Enforcement and Administration of Criminal Justice and the Council on  
11 Peace Officer Standards and Training shall take any necessary action to enable a  
12 local arson investigator to attend the required schools and training courses and to  
13 ensure a local arson investigator receives the appropriate documents to demonstrate  
14 that he has successfully obtained P.O.S.T. firearm credentials upon completion of the  
15 required schooling and training.

16 (4) Possession of P.O.S.T. firearm credentials does not grant a local arson  
17 investigator any authority beyond the scope of the commission issued pursuant to  
18 this Subsection.

19 (5) The authority granted by a commission that is issued pursuant to this  
20 Subsection shall be limited to only the powers, functions, duties, and responsibilities  
21 that are established for a local arson investigator in this Section.

22 (6) The authority of a local arson investigator to carry and use firearms  
23 pursuant to this Subsection is limited to the carrying of weapons while acting in the  
24 course and scope of his official duties. A local arson investigator who carries a  
25 concealed weapon pursuant to this Paragraph shall not be subject to criminal  
26 prosecution for a violation of R.S. 14:95.

27 (7) For purposes of this Subsection, "P.O.S.T. firearm credentials" means a  
28 certification, qualification, or both, in the use of firearms by the Council on Peace  
29 Officer Standards and Training.

1 Section 3. R.S. 40:1563.1 is hereby repealed in its entirety.

2 Section 4. This Section and Section 1 of this Act shall become effective upon  
3 signature by the governor or, if not signed by the governor, upon expiration of the time for  
4 bills to become law without signature by the governor, as provided by Article III, Section  
5 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved  
6 by the legislature, this Act shall become effective on the day following such approval.

7 Section 5. This Section and Sections 2 and 3 shall become effective on June 30,  
8 2028.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 522 Original

2026 Regular Session

Fontenot

**Abstract:** Provides relative to the authority of the state fire marshal to make arrests and carry firearms.

Present law authorizes the state fire marshal, his employees, certified local authorities, and state or municipal arson investigators, while engaged in the performance of their duties, to investigate and arrest individuals suspected of committing certain criminal offenses.

Present law also authorizes these officials to seize contraband subject to forfeiture as described in present law (R.S. 14:54.4).

Present law authorizes the state fire marshal and his employees to investigate and arrest any person suspected of having committed any offense connected to the investigation of any of the offenses provided in present law, or connected to the investigation of a burn injury report submitted to the office in accordance with present law (R.S. 14:403.4).

Present law requires the state fire marshal to issue a commission to any state arson investigator who qualifies as P.O.S.T. certified to carry firearms allowing him to carry and use firearms and to arrest individuals suspected of committing the crimes provided in present law.

Present law permits each governing authority of a political subdivision to authorize the chief of each fire protection district, each fire department, and each volunteer fire department within that political subdivision to issue a commission to any local arson investigator allowing him to carry and use firearms and to arrest individuals suspected of committing the crimes provided in present law.

Present law provides for conditions and requirements relative to the issuance of commission, the powers and authority granted by those commissions, and the use of firearms by the persons to whom those commissions are issued.

Present law provides relative to the membership and rulemaking of the multi-jurisdictional arson task force.

Proposed law removes these provisions of present law

Proposed law authorizes the state fire marshal and his employees to do all of the following while engaged in the performance of their duties:

- (1) Investigate and cause the arrest of individuals.
- (2) Enforce the laws of the state.
- (3) Perform any other related duties imposed upon them by law.

Proposed law authorizes the state fire marshal and his employees to carry weapons concealed or exposed while in the performance of their duties. Further vests these individuals with the same authority and powers as those of regular law enforcement officers of the state.

Proposed law provides that the state fire marshal and his employees shall have all immunities and defenses in any suit brought against them as a consequence of acts performed in the course and scope of their employment.

Proposed law requires the state fire marshal to issue a commission to any state arson investigator who is P.O.S.T. certified to carry firearms. Further permits a commissioned state arson investigator to carry and use firearms and to arrest individuals suspected of committing any criminal offenses.

Proposed law provides that the governing authority of a political subdivision may authorize the chief of each fire protection district and each fire department to issue a commission to any local arson investigator that allows the investigator to carry and use firearms and to arrest individuals suspected of committing any criminal offenses.

Proposed law provides for conditions and requirements relative to the issuance of commission, the powers and authority granted by those commissions, and the use of firearms by the persons to whom those commissions are issued.

Proposed law defines the term "P.O.S.T. firearm credentials".

Proposed law shall become effective upon signature of governor or lapse of time for gubernatorial action and shall become null and void on June 30, 2028.

Beginning on June 30, 2028:

Proposed law provides that the state fire marshal and his employees, while engaged in the performance of their official duties, are authorized to investigate and cause the arrest of individuals suspected of having committed certain criminal offenses.

Proposed law authorizes the state fire marshal and his employees to seize contraband subject to forfeiture as described in present law (R.S. 14:54.4).

Proposed law authorizes the state fire marshal and his employees to investigate and arrest any person suspected of having committed any offense connected to the investigation of any of the offenses provided in proposed law, or connected to the investigation of a burn injury report submitted to the office in accordance with present law (R.S. 14:403.4).

Proposed law requires the state fire marshal to issue a commission to any state arson investigator who is P.O.S.T. certified to carry firearms, allowing him to carry and use firearms and to arrest individuals suspected of committing the crimes provided in proposed law.

Proposed law permits each governing authority of a political subdivision to authorize the chief of each fire protection district and each fire department within that political subdivision to issue a commission to any local arson investigator allowing him to carry and use firearms and to arrest individuals suspected of committing the crimes provided in proposed law.

Proposed law provides for conditions and requirements relative to the issuance of commission, the powers and authority granted by those commissions, and the use of firearms by the persons to whom those commissions are issued.

Proposed law defines the term "P.O.S.T. firearm credentials".

Proposed law (R.S. 40:1563.1) becomes effective upon signature of the governor or lapse of time for gubernatorial action

Proposed law (R.S. 40:1563.1) is repealed on June 30, 2028.

Proposed law (R.S. 40:1563.1.1) becomes effective on June 30, 2028.

(Amends R.S. 40:1563.1; Adds R.S. 40:1563.1.1; Repeals R.S. 40:1563.1)