

HB 1769 -- FIREFIGHTERS PROCEDURAL BILL OF RIGHTS ACT

SPONSOR: Perkins

This bill establishes the "Firefighters Procedural Bill of Rights Act". The bill defines a "firefighter" to include a firefighter, paramedic, emergency medical technician, and emergency 911 dispatcher employed by a public agency, but it does not include an employee who has not successfully completed his or her probationary period established by an employer as a condition of employment.

Provisions in this bill include, but are not limited to, that it:

- (1) Specifies that except when on duty or in uniform, no firefighter will be prohibited from engaging, or be coerced or required to engage, in political activity;
- (2) Specifies that firefighters will not be prohibited from seeking election to the governing board of a school district or any local agency where the firefighter is not currently employed;
- (3) Creates several provisions for how interrogations must be conducted when any firefighter is under investigation by his or her commanding officer or any other member designated by the employing department or licensing or certifying agency, each of which is specified in the bill;
- (4) Creates provisions for the reopening of an investigation against a firefighter, provided that the conditions specified within the bill are met; and
- (5) Prohibits anyone from searching any firefighter's locker or other assigned storage space owned or leased by the employer, except in the firefighter's presence and with his or her consent, or unless a valid search warrant has been obtained, or unless he or she have been notified that a search will be conducted.

It is unlawful for any employing department or licensing or certifying agency to deny or refuse to any firefighter the rights and protections associated with this bill. The circuit court of the county of proper venue possesses initial jurisdiction over any proceeding brought by any firefighter against any employing department or licensing or certifying agency for violations of the these provisions. If the court finds a violation has occurred, it must render appropriate extraordinary or injunctive relief to remedy the violation and prevent future occurrences of a similar nature. If the court finds that a bad faith or frivolous action or filing has been brought for an improper purpose, the court may order sanctions against the filing party, their attorney, or both.

In addition to the aforementioned extraordinary relief afforded by the provisions of this bill, upon a court's finding that a fire department, its employees, agents, or assigns have maliciously violated any provisions mentioned within the bill with the intent to injure the firefighter, the fire department will be, for each violation, liable for a civil penalty up to \$25,000, to be awarded to the firefighter whose right or protection was denied, and for reasonable attorneys' fees as may be determined by the court. If there is sufficient evidence that actual damages occurred against the firefighter in question, the department will also be liable for the amount of the actual damages.

A fire department will not be required to indemnify a contractor for liability under this provision if there is, within the contract between the department and the contractor, a hold harmless or similar provision protecting the fire department from liability for actions of the contractor.

Nothing throughout this bill will be construed, in any way, to limit the ability of any employment department, licensing or certifying agency, or any firefighter to fulfill mutual aid agreements with other jurisdictions or agencies, and the provisions of this bill shall not be construed in any way to limit any kind of jurisdictional or inter-agency cooperation under any circumstances where that activity is deemed necessary or desirable by those jurisdictions or agencies so involved.

All rights and protections depicted in the provisions of this bill will only apply to firefighters in events and circumstances in which they are performing their official duties.

This bill is similar to HB 1147 (2023).