

HB 1733 -- FIREFIGHTERS

SPONSOR: Wellenkamp

This bill establishes the "Firefighters' Procedural Bill of Rights Act".

This bill defines a "firefighter" as any Missouri resident who is employed full time or part time by a public agency in Missouri as a firefighter or first responder or ancillary service personnel, including emergency medical service workers, dispatchers, paramedics, emergency maintenance technicians, and emergency medical technicians, but does not include an employee who has not successfully completed his or her probationary period established by an employer as a condition of employment.

This bill defines "interrogation" as any formal interview, inquiry, or questioning of any firefighter regarding misconduct or violation of policy. The bill also defines terms such as "representative" and "social media account", among other terms described in the bill.

Provisions in this bill include, but are not limited to, the following:

- (1) 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) 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) Provisions for how interrogations of a firefighter must be conducted by his or her commanding officer or any other member designated by the employing department or licensing agency; prior to an interrogation, the investigator must advise the firefighter of the rules set out in certain court cases;
- (4) The reopening of an investigation against a firefighter must meet specified conditions; and
- (5) Searching any firefighter's locker or other assigned storage space owned or leased by the employer is prohibited, except in the firefighter's presence or 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.

This bill also requires that all personally identifying information about the firefighter's family will be held confidentially and protected from release to the public. In addition, the employing agency will not, either directly or indirectly, cause the disclosure of a firefighter's username, password, or any other information that would provide access to personal social media accounts.

It will be unlawful for any employing department or licensing or certifying agency to deny or refuse to any firefighter the rights and protections in 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 can order sanctions against the filing party, their attorney, or both.

In addition, if a court finds 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 can 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 if there is a hold harmless or similar contractual provision protecting the fire department from liability for actions of the contractor.

Nothing in this bill will be construed 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 must 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.

This bill is similar to HCS HB 1190 (2025) and HB 1769 (2024).