STATE OF NEW YORK

9038

IN SENATE

May 4, 2022

Introduced by Sen. BROOKS -- (at request of the Division of Homeland Security and Emergency Services) -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law and the penal law, in relation to requiring fire fatality notifications by the fire chief

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 204-d of the general municipal law, as amended by section 44 of part B of chapter 56 of the laws of 2010, is amended to read as follows:

§ 204-d. Duties of the fire chief. The fire chief of any fire department or company shall, in addition to any other duties assigned to [~~him~~] **them** by law or contract, to the extent reasonably possible determine or cause to be determined the cause of each fire or explosion which the fire department or company has been called to suppress. [~~He~~] **The fire chief** shall file with the office of fire prevention and control a report containing such determination and any additional information required by such office regarding the fire or explosion **including, but not limited to, all fatalities occurring at the location of or as a result of the fire or explosion. Such fatality notification to the office of fire prevention and control shall be made immediately upon suspicion or discovery of the fatality or as soon as practical thereafter, but in no event shall the fire scene be released prior to such notification**. The report shall be in the form designated by such office. [~~He~~] **The fire chief** shall contact or cause to be contacted the appropriate investigatory authority if [~~he has~~] **they have** reason to believe the fire or explosion is of incendiary or suspicious origin. For all fires that are suspected to have been ignited by a cigarette, within fourteen days after completing the investigation into such fire, the fire chief shall forward to the office of fire prevention and control information detailing, to the extent possible: (a) the specific brand and style of the cigarette suspected of having ignited such fire; (b) whether the cigarette package was marked as required by subdivision six of section one

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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hundred fifty-six-c of the executive law; and (c) the location and manner in which such cigarette was purchased.

§ 2. Section 265.26 of the penal law, as added by chapter 201 of the laws of 1985, is amended to read as follows:

§ 265.26 Burn injury and wounds to be reported.

Every case of a burn injury or wound, where the victim sustained second or third degree burns to five percent or more of the body and/or any burns to the upper respiratory tract or laryngeal edema due to the inhalation of super-heated air, and every case of a burn injury or wound which is likely to [~~or~~], may**, or does** result in death, shall be reported at once to the office of fire prevention and control. The state fire administrator shall accept the report and notify the proper investigatory agency. A written report shall also be provided to the office of fire prevention and control within seventy-two hours. The report shall be made by (a) the physician attending or treating the case; or (b) the manager, superintendent or other person in charge, whenever such case is treated in a hospital, sanitarium, institution or other medical facility**; or (c) the county medical examiner or coroner in the county where the death occurred**.

The intentional failure to make such report is a class A misdemeanor.

§ 3. This act shall take effect immediately.