

K.A.R. 22-19-2. Certification of fire investigators. Certification may be granted at one of two levels: certified fire investigator I or certified fire investigator II. (a) Each individual seeking certification at either level shall apply on a form approved by the state fire marshal. Any individual that meets and demonstrates the following criteria may be certified by the state fire marshal:

(1) Is a United States citizen;

(2) has been fingerprinted, with a search of local, state, and national fingerprint files to determine whether the applicant has a criminal record;

(3) has not been convicted, does not have an expunged conviction, and on and after July 1, 1995, has not been placed on diversion by any state or the federal government for a crime that is a felony or its equivalent under the uniform code of military justice;

(4) has not been convicted, does not have an expunged conviction, and has not been placed on diversion by any state or the federal government for a misdemeanor crime of domestic violence or its equivalent under the uniform code of military justice, if the misdemeanor crime of domestic violence was committed on or after the effective date of this regulation;

(5) is the holder of a high school diploma or furnishes evidence of successful completion of an examination indicating an equivalent achievement;

(6) is of good moral character;

(7) is free of any physical or mental condition that could adversely affect the applicant's performance of a fire investigator's duties;

(8) is at least 21 years of age;

(9) is recommended by the agency head of the applicant's jurisdiction;

(10)(A) Provides proof of successful completion of a fire investigation course, within the past five calendar years, that meets or exceeds the “standard for professional qualifications for fire investigator” established by the national fire protection association in publication number 1033, 2009 edition, which is hereby adopted by reference, and all law enforcement training required under K.S.A. 74-5607a et seq., and amendments thereto, and applicable regulations. Each applicant who completed an approved fire investigation course more than five years before the date of application shall submit proof of the applicant’s successful completion of the course and proof of the applicant’s fire investigation responsibilities within the past five calendar years; or

(B) achieves a score of at least 80 percent on the fire investigation graded examination. Any applicant may take this examination only once. If an applicant scores less than 80 percent, the applicant shall meet the requirement in paragraph (a)(10)(A); and

(11) submits a completed criminal history form. Each applicant shall also provide proof that the applicant has submitted fingerprints to the Kansas bureau of investigation.

(b) Each applicant for certified fire investigator II shall, in addition to meeting all of the requirements in subsection (a), successfully complete a firearms training course approved for law enforcement officers and be employed full-time by a fire department or law enforcement agency. Each applicant for a certified fire investigator II shall maintain firearms qualifications annually and shall provide documentation of this to the state fire marshal.

(c) Any applicant who is a part-time or volunteer certified fire investigator I may apply for certification as a fire investigator II with a written recommendation from the local law enforcement agency.

(d) Comparable qualifications from another state or jurisdiction may be recognized by the state fire marshal.

(e) Certification as a fire investigator I or II shall be valid for three years.

(f) Any certification issued under this regulation may be suspended or revoked by the state fire marshal if the state fire marshal finds that the certification holder has not accumulated and documented at least 60 points in each three-year period following initial certification and has not provided this documentation to the state fire marshal as follows:

(1) Training points shall be earned at the rate of one point for every clock-hour of department-approved training attended or taught, and 10 points shall be earned for every college-level course of three or more credit hours for which the applicant achieves a grade of C or higher if the course content directly relates to fire investigation skills. No more than 10 points shall be applied from instructing. At least 30 points shall be earned in this category, and a maximum of 40 points may be applied towards recertification.

(2) Experience points shall be earned for performing fire scene investigation and reporting or for the supervision of fire scene investigation and reporting. Points shall be earned at the rate of one point per fire investigation performed or supervised. At least 10 points shall be earned in this category, and a maximum of 20 points may be earned.

(3) Each individual shall be required to accumulate and document at least 10 points of training in law enforcement-related courses.

(g) Points shall not be carried over from one three-year period into another. A fire investigator who is certified before the effective date of this regulation shall not be required to meet the requirements in paragraph (f)(3) until the individual's next three-year certification period following the effective date of this regulation.

(h) For each subsequent three-year certification, each individual shall provide the following to the state fire marshal no later than 60 days before the expiration of the individual's current certification:

- (1) A completed certification form approved by the state fire marshal;
- (2) originals or legible copies of all documents establishing the points earned; and
- (3) a notarized statement of eligibility for the subsequent three-year certification.

(i) If an individual's certification lapses for more than six months, the individual shall complete all applicable requirements in subsections (a) through (e). (Authorized by and implementing K.S.A. 31-157; effective, T-84-43, Dec. 21, 1983; effective May 1, 1984; amended May 10, 1993; amended Aug. 27, 1999; amended Aug. 5, 2011.)

K.A.R. 22-19-3. (Authorized by and implementing K.S.A. 31-157; effective, T-84-43, Dec. 21, 1983; effective May 1, 1984; amended May 10, 1993; amended Aug. 27, 1999; revoked Aug. 5, 2011.)

K.A.R. 22-19-5. Filing reports with state fire marshal. (a) Each person certified as a fire investigator I or II shall file a report of every fire investigation conducted by that individual with the state fire marshal within 30 days. The report shall contain all information on the current report form used by the state fire marshal's deputies, including the following:

(1) The name and birthdate of the owner;

(2) the name and birthdate of each suspect, if any, and either the driver's license or other identification number of each suspect;

(3) the name, the birthdate, and either the driver's license or other identification number of each witness; and

(4) the name of the insurance company, policy number, and amount of insurance coverage.

(b) Supplemental reports shall be filed indicating disposition of the case.

(c) Each report shall be submitted through the investigative database used by the state fire marshal's investigations division.

(d) Failure to file the reports specified in this regulation shall be grounds for suspension or revocation of the certificate pursuant to K.A.R. 22-1-5. (Authorized by K.S.A. 2009 Supp. 31-133; implementing K.S.A. 2009 Supp. 31-137; effective May 10, 1993; amended Aug. 5, 2011.)