



SPONSOR: Rep. D. Short & Rep. Carson & Rep. Mitchell &  
Rep. K. Williams

HOUSE OF REPRESENTATIVES  
151st GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 1  
TO  
HOUSE BILL NO. 193

AMEND House Bill No. 193 by deleting lines 11 and 12 in their entirety and inserting in lieu thereof:

“(11) Hear and resolve complaints and grievances concerning claims of official misconduct by fire companies. When such a complaint or grievance is brought to the Commission, the Commission shall notify the fire company named and provide the fire company with ninety days to resolve the complaint or grievance without Commission involvement. At the end of the ninety-day period, if the fire company cannot resolve the matter independently, it will be referred back to the Commission, who will then hear and resolve the complaint or grievance. The named fire company may waive this ninety-day period to allow the Commission to hear and resolve the complaint or grievance, if they so choose. If any of these complaints or grievances involve a criminal offense under the Delaware Code, the Commission does not have the jurisdiction to hear or resolve the matter in question and will refer the complaint or grievance to the proper law enforcement authority prescribed by the Delaware Code.”.

FURTHER AMEND House Bill No. 193 by deleting lines 15 through 17 in their entirety and inserting in lieu thereof:

“(13) Perform all acts and do such things necessary or convenient to carry out the powers granted herein.”.

SYNOPSIS

This Amendment obligates the State Fire Prevention Commission to notify Fire Companies who are accused of misconduct. It also allows the accused Fire Company a ninety-day period of time to resolve the matter without Commission involvement. If the accused Fire Company cannot resolve the matter after the ninety-day period has run, the Commission will hear and resolve the complaint. The named Fire Company may waive this ninety-day period if it so chooses. This Amendment also clarifies that the Commission will not have jurisdiction over matters involving Criminal Offenses under the Delaware Code, and will refer such matters to the proper law enforcement authority. This Amendment also removes the Immunity Provision of the Bill which granted the Commission and individuals acting on its behalf absolute immunity for acts committed while performing their duties within this section.