

Volunteer Fire Department Accountability, Integrity, and Public Trust Act

AN ACT relating to criminal accountability, fraud prevention, mandatory reporting, professional standards, clarification of paid status, and enhanced enforcement for Volunteer Fire Departments and firefighters in the State of Texas.

ARTICLE I. LEGISLATIVE FINDINGS AND PURPOSE

The Legislature finds that Volunteer Fire Departments (VFDs) perform essential public safety functions traditionally exercised by governmental entities, including fire suppression, rescue, emergency medical response, hazardous materials response, and disaster operations.

The Legislature further finds that many VFDs receive public funds, tax exemptions, insurance benefits, equipment, dispatch authority, training subsidies, and governmental recognition, conferring public trust and authority upon VFD leadership and governing boards.

The Legislature finds that existing Texas law inadequately addresses criminal accountability when individuals abuse authority through VFDs while operating under private or nonprofit status.

The purpose of this Act is to establish parity of accountability with paid fire departments, clarify when VFD personnel are considered paid for purposes of criminal law, deter abuse of authority, protect whistleblowers, and ensure integrity of data relied upon by insurers, regulators, and the public.

ARTICLE II. DEFINITIONS

Sec. 2.001. Volunteer Fire Department means any nonprofit corporation, association, district, company, or other entity providing fire protection, rescue, emergency medical, or emergency response services in the State of Texas whose membership consists primarily of unpaid personnel.

Sec. 2.002. Officer, Acting Officer, or Board Member means any individual who holds or exercises supervisory, disciplinary, governance, training, financial, or operational authority, including but not limited to Fire Chief, Assistant Chief, Deputy Chief, Captain, Lieutenant, Training Officer, Safety Officer, Board Member, Director, or any person acting in such a capacity, regardless of title.

Sec. 2.003. Acting under color of law means exercising authority derived from public funding, tax exemptions, governmental recognition, emergency response authority, mutual-aid agreements, dispatch authority, or control over access to public safety services.

Sec. 2.004. Paid Firefighter or Paid Personnel means any individual who receives any monetary or material benefit for service, including but not limited to hourly wages, call pay, stipends, per diem, free or subsidized training or certification that provides personal benefit, reimbursement beyond actual expenses, retirement or pension benefits from any source, or any other thing of value tied to service.

Sec. 2.005. Paid Status by Reporting Structure. A firefighter or VFD personnel shall be considered paid for purposes of criminal and regulatory statutes if the VFD maintains any direct or indirect, formal or informal reporting, oversight, command, or accountability relationship with a city, county, emergency services district, or other governmental entity.

ARTICLE III. APPLICABILITY

This Act applies to any Volunteer Fire Department receiving public funding, grants, tax exemptions, equipment, training subsidies,

insurance benefits, dispatch authority, or governmental recognition, and to any officer, acting officer, board member, paid firefighter, or agent acting on behalf of such department.

ARTICLE IV. OFFICIAL OPPRESSION, SEXUAL HARASSMENT, RETALIATION, AND BLACKLISTING

An officer, acting officer, or board member of a Volunteer Fire Department who, while acting under color of law, intentionally subjects another person to mistreatment, sexual harassment (including quid pro quo or hostile environment), retaliation, coercion, intimidation, blacklisting, or interference with lawful employment commits Official Oppression under Texas Penal Code §39.03.

Such conduct includes knowingly making false statements to employers, departments, insurers, or agencies; threatening retaliation for association; or misrepresenting the reasons for a member's resignation or removal. Punishment is as provided in Texas Penal Code §39.03(c).

ARTICLE V. MANDATORY DUTY TO REPORT AND FAILURE TO REPORT

Any officer, acting officer, or board member who knows of, reasonably suspects, or receives credible information regarding conduct constituting an offense under this Act shall promptly report the information to law enforcement or appropriate state authorities.

Failure to report constitutes an offense under Texas Penal Code §39.02 (Abuse of Official Capacity) or §37.09 (Tampering with Evidence), as applicable. Failure to report is a Class A misdemeanor and is enhanced to a state jail felony if continued misconduct or harm results.

ARTICLE VI. ISO RATING FRAUD AND INSURANCE MISREPRESENTATION

A person commits an offense if the person knowingly falsifies, manipulates, skews, omits, or misrepresents data submitted to the Insurance Services Office (ISO) or any successor or similar entity for the purpose of influencing a fire protection rating.

Such conduct constitutes Insurance Fraud under Texas Penal Code §35.02 and Tampering with a Governmental Record under §37.10. The offense is a state jail felony and is enhanced to a third-degree felony if financial benefit or public harm results.

ARTICLE VII. TRAINING, CERTIFICATION, AND LICENSURE FALSIFICATION

A person commits an offense if the person knowingly falsifies, alters, manipulates, or omits any written or electronic record relating to training, certification, licensure, continuing education, or skills verification.

Such conduct constitutes Tampering with a Governmental Record under Texas Penal Code §37.10. The offense is a Class A misdemeanor and is enhanced to a state jail felony if public safety risk, funding benefit, or credential benefit results.

If the offender is a career paid firefighter and/or holding certification through the Texas Commission on Fire Protection, punishment is enhanced by one degree and the conviction shall be reported to the Commission for mandatory disciplinary proceedings.

ARTICLE VIII. RECORD RETENTION, AUDIT, AND SUBPOENA AUTHORITY

Volunteer Fire Departments shall retain ISO submissions, training records, certification records, and supporting documentation for not less than seven years.

Such records are subject to audit, inspection, and subpoena by the State Auditor, Texas Department of Insurance, Texas Attorney General, or other authorized entity.

ARTICLE IX. LOSS OF IMMUNITY AND FUNDING

Sovereign, governmental, or volunteer immunity does not apply to acts of fraud, official oppression, sexual harassment, retaliation, falsification, or abuse of authority under this Act.

Violations may result in loss of public funding, tax-exempt status, and eligibility for state grants.

ARTICLE X. SEVERABILITY AND EFFECTIVE DATE

If any provision of this Act or its application is held invalid, the remaining provisions remain in effect.

This Act takes effect [Insert date] following enactment.

ARTICLE XI. FITNESS FOR DUTY AND SUBSTANCE USE STANDARDS

A Volunteer Fire Department shall ensure that all members, officers, and acting officers are fit for duty when responding to incidents, operating vehicles or apparatus, participating in training, exercising supervisory authority, or submitting operational data.

Each department shall adopt and enforce a written substance-use policy prohibiting impairment by illegal drugs, misuse of prescription medication, or alcohol while on duty or responding.

A department may not operate without a substance-use policy or selectively enforce such policy based on rank, favoritism, or manpower needs.

ARTICLE XII. MEDICAL CLEARANCE, PHYSICAL EXAMINATION, AND REIMBURSEMENT INTEGRITY

Medical clearances or physical examinations used for reimbursement, grant eligibility, staffing credit, equipment issuance, or rating evaluation must be legitimate, independent, and supported by a meaningful in-person examination.

A medical clearance is invalid if performed or certified by a physician or provider who serves as an officer, acting officer, or board member of the department or who holds a governance or financial conflict of interest.

Submitting sham, nominal, or conflicted medical evaluations; misrepresenting payment for such examinations; or using such evaluations to obtain reimbursement, grants, gear, or credit constitutes fraud and tampering with governmental records.

Each submission constitutes a separate offense and shall be referred for professional discipline.

ARTICLE XIII. SAFEGUARDS AGAINST SEXUAL MISCONDUCT AND ABUSE OF AUTHORITY

Any protected interaction involving medical evaluation, fitness determination, credentialing, investigation, or disciplinary authority

may not occur in a private setting without a neutral third-party chaperone or established professional safeguards.

Consent does not waive the protections of this article.

Any certification, clearance, or evaluation obtained in violation of this article is void for all purposes and ineligible for reimbursement, grants, or credit.

ARTICLE XIV. OPERATIONAL RESPONSE TIME AND ISO DATA INTEGRITY

Operational Fire Response means the arrival of fire suppression apparatus capable of delivering water or extinguishing agent, accompanied by sufficient personnel to initiate fire attack or rescue.

Initial contact by a single individual, command vehicle, sport utility vehicle, or non-suppression unit does not constitute operational fire response.

Knowingly reporting initial contact as fire response time, or omitting the distinction between contact and suppression capability, for ISO evaluations, insurance risk assessment, grants, or public reporting constitutes material misrepresentation.

ARTICLE XV. APPARATUS, FACILITY, AND STATION REPRESENTATION INTEGRITY

Personally owned vehicles may be used for response but may not be represented as fire department apparatus unless owned, insured, maintained, and controlled by the department.

Privately owned facilities may not be designated, reported, or credited as fire stations unless owned or formally controlled by the department, subject to inspection, staffed according to response plans, and publicly accountable.

Knowingly designating private vehicles or facilities as public fire resources constitutes fraud and tampering with governmental records.

ARTICLE XVI. CONFLICTS OF INTEREST AND DUAL ROLES

A person may not simultaneously serve as a paid fire marshal, fire inspector, or authority having jurisdiction for a governmental entity and as an officer or board member of a Volunteer Fire Department subject to that authority.

Any appointment, promotion, or reward conferred in exchange for regulatory leniency or failure to enforce is void and constitutes Abuse of Official Capacity.

ARTICLE XVII. SUPREMACY OVER BYLAWS AND INTERNAL GOVERNANCE

This Act supersedes any conflicting articles of incorporation, bylaws, internal policies, board resolutions, or membership agreements of a Volunteer Fire Department.

No private governance document may be used to limit, waive, or avoid duties imposed by this Act.

ARTICLE XVIII. ENFORCEMENT, REFERRALS, AND ENHANCED PENALTIES

Violations of this Act shall be referred to appropriate prosecuting authorities and regulatory bodies.

When conduct constitutes multiple offenses, punishment shall follow the highest applicable offense level.

APPENDIX A. PROSECUTORIAL CHARGING MATRIX

Official Oppression, Retaliation, Sexual Harassment → Texas Penal Code §39.03.

Failure to Report → Texas Penal Code §§39.02, 37.09.

ISO Response-Time Manipulation → Texas Penal Code §§35.02, 37.10.

Medical Clearance & Reimbursement Fraud → Texas Penal Code §§35.02, 37.10, 39.02.

Apparatus / Station Misrepresentation → Texas Penal Code §§35.02, 37.10.

Dual-Role Conflicts & Regulatory Capture → Texas Penal Code §§39.02, 39.03.