

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Government Operations
 2 Subcommittee

3 Representative Busatta Cabrera offered the following:

4

5 **Amendment**

6 Remove lines 43-86 and insert:

7 (1) An ~~The~~ interrogation must ~~shall~~ take place at the
 8 facility where the investigating officer is assigned, or at the
 9 facility that ~~which~~ has jurisdiction over the place where the
 10 incident under investigation allegedly occurred, as designated
 11 by the investigating officer.

12 (2) A ~~No~~ firefighter may not ~~shall~~ be subjected to
 13 interrogation without first receiving written notice in ~~of~~
 14 sufficient detail of the formal investigation in order to
 15 reasonably apprise the firefighter of the nature of the
 16 investigation. The firefighter must ~~shall~~ be informed beforehand

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17 of the names of all complainants.

18 (3) All interrogations must ~~shall~~ be conducted at a
19 reasonable time of day, preferably when the firefighter is on
20 duty, unless the importance of the interrogation ~~or~~
21 ~~investigation~~ is of such a nature that immediate action is
22 required.

23 (4) The firefighter under formal investigation must ~~shall~~
24 be informed of the name, rank, and unit or command of the
25 officer in charge of the investigation, the interrogators, and
26 all persons present during any interrogation.

27 (5) Informal inquiries and interrogation sessions must
28 ~~shall~~ be of reasonable duration and the firefighter must ~~shall~~
29 be permitted reasonable periods for rest and personal
30 necessities.

31 (6) During an informal inquiry or interrogation, the
32 firefighter may ~~being interrogated shall~~ not be subjected to
33 offensive language; threatened with a transfer, suspension,
34 dismissal, or other disciplinary action; or offered any
35 incentive as an inducement to answer any questions.

36 (7) A complete record of any interrogation must ~~shall~~ be
37 made, and if a transcript of such interrogation is made, the
38 firefighter under formal investigation is ~~shall be~~ entitled to a
39 copy of the transcript without charge. Such record may be
40 electronically recorded.

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41 (8) An employee or officer of an employing agency may
42 represent the agency, and an employee organization may represent
43 any member of a bargaining unit desiring such representation and
44 be present in any proceeding to which this part applies. If a
45 ~~collective bargaining agreement provides for the presence of a~~
46 ~~representative of the collective bargaining unit during informal~~
47 ~~inquiries, formal investigations, or interrogations, such~~
48 ~~representative shall be allowed to be present.~~