

UNEDITED

EXHIBIT 2  
4/3/07  
404

Amendments to Senate Bill No. 404  
3rd Reading Copy

Requested by Representative Ron Stoker

For the House Judiciary Committee

Prepared by David Niss  
April 3, 2007 (7:31am)

1. Title, line 5.

**Following:** "FIREFIGHTERS"

**Insert:** "; AND PROVIDING FOR LEGAL REPRESENTATION OF  
FIREFIGHTERS"

2. Page 2, lines 12 through 14.

**Strike:** "THE" on line 12 through "FIRE." on line 14

**Insert:** "(1) The department of natural resources and conservation shall pay reasonable attorney fees and costs for outside legal counsel to defend a firefighter against a criminal prosecution for a good faith act or omission by the firefighter arising from the firefighter's performance of duties during a wildfire. The director of the department of natural resources and conservation has sole discretion to determine whether the firefighter's act or omission was in good faith and arising from the performance of the firefighter's duties during a wildfire. The requirement to pay attorney fees and costs does not apply to any postconviction legal proceedings.  
(2) The department shall adopt rules to implement this section."

3. Page 2.

**Following:** line 14

**Insert:** "NEW SECTION. Section 3. Legal representation for firefighters. A firewarden, firefighter, or paid or volunteer employee of a governmental fire agency must be provided legal representation by the employing entity for a criminal prosecution arising from an act or omission in the performance of duties on a fire or in fire training that is taken or made in good faith and within the course and scope of employment of the firewarden, firefighter, or paid or volunteer employee, on a fire or in fire training."

**ReNUMBER:** subsequent section

4. Page 2, line 16.

**Strike:** "[Section 1] is"

**Insert:** "[Sections 1 and 2] are"

OVER

5. Page 2, line 18.

**Strike:** "[section 1]"

**Insert:** "[sections 1 and 2]"

- END -