

HOUSE BILL NO. 690

INTRODUCED BY B. BERGREN

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE SUSPENSION PROCEDURE FOR MUNICIPAL FIREFIGHTERS TO PROVIDE FOR AN OPTIONAL HEARING BEFORE A CITY COUNCIL OR CITY COMMISSION; AND AMENDING SECTION 7-33-4124, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 7-33-4124, MCA, is amended to read:

**"7-33-4124. Suspension procedure.** (1) ~~In all cases of suspension~~ any case in which a member of the municipal fire department is suspended from duty, the person suspended must be furnished with a copy of the charge ~~against him,~~ in writing, setting forth the reasons for the suspension. ~~Such~~ Subject to subsection (2), the suspended member of the fire department may request in writing that the charges ~~must~~ be presented to the ~~next meeting of the council or commission and for a hearing had thereon, when.~~ The hearing must be held within 30 days of the request. The suspended member may invoke the right of privacy to request a closed hearing. At the hearing, the suspended member of the fire department may appear in person or by counsel and ~~make his~~ provide a defense ~~to said~~ against the charges.

(2) ~~If the suspended member of the fire department does not request a hearing by the council or commission within 5 business days of receiving the suspension charge, the suspended member forfeits the option of requesting a hearing by the council or commission.~~

~~(2)(3) Should~~ If the charges are not be presented to the next meeting of before the council or commission ~~after the suspension or should~~ within 30 days of the request for a hearing or if the charges be found not proven by the council or commission determines the charges to be unfounded, the suspended person ~~shall~~ must be reinstated and ~~be is~~ entitled to his the person's usual compensation for the time ~~so suspended of the suspension.~~

~~(3)(4) If such~~ the charges are found proven by the council or commission, the council or commission, by a vote of a majority of the whole council or commission, may impose ~~such a~~ penalty as it shall determine commensurate to its determination of what the offense warrants, including either ~~in~~ the continuation of the suspension for a limited time or ~~in~~ the removal of the suspended person from the fire department."

- END -

