

SENATE BILL NO. 329
INTRODUCED BY J. MANGAN

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR JUVENILE DETENTION OR JUVENILE CORRECTIONS OFFICER AND ADMINISTRATOR STANDARDS, CERTIFICATION, AND TRAINING; PROVIDING THAT TRAINING BE UNDER THE AUSPICES OF THE BOARD OF CRIME CONTROL AND THE MONTANA LAW ENFORCEMENT ACADEMY; AMENDING SECTIONS 44-4-301 AND 44-4-302, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Juvenile detention or juvenile corrections officer training.** A juvenile detention or juvenile corrections officer shall, in the first year of employment, complete a basic training course as required in 44-4-301. The training must be done under the auspices of the Montana law enforcement academy but does not have to occur at the academy.

Section 2. Section 44-4-301, MCA, is amended to read:

"44-4-301. Functions. (1) As designated by the governor as the state planning agency under the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the board of crime control shall perform the functions assigned to it under that act. The board shall also provide to criminal justice agencies technical assistance and supportive services that are approved by the board or assigned by the governor or legislature.

(2) The board may:

(a) establish minimum qualifying standards for employment of peace officers, as defined in 7-32-303, detention officers, detention center administrators, juvenile detention center administrators, juvenile detention or juvenile corrections officers, public safety communications officers, probation and parole officers, corrections officers, and commercial vehicle inspectors; and

(b) develop procedures for revoking or suspending the certification of peace officers, as defined in 7-32-303, detention officers, detention center administrators, juvenile detention center administrators, juvenile detention or juvenile corrections officers, public safety communications officers, probation and parole officers, corrections officers, and commercial vehicle inspectors.

(3) The board may require basic training for officers, establish minimum standards for equipment and

procedures and for advanced inservice training for officers, establish minimum standards for the certification of public safety communications officers, establish minimum standards for the certification of motor carrier services division officers appointed under 61-12-201, and establish minimum standards for law enforcement, ~~and detention officer, and juvenile detention or juvenile corrections officer~~ training schools administered by the state or any of its political subdivisions or agencies, to ensure the public health, welfare, and safety.

(4) The board may waive the minimum qualification standard provided in subsection (2) for good cause shown.

(5) The board shall establish minimum standards for training of probation and parole officers, pursuant to 46-23-1003.

(6) The board shall establish minimum standards for training corrections officers and commercial vehicle inspectors.

(7) It is the duty of the appointing authority to cause each probation and parole officer, corrections officer, and commercial vehicle inspector appointed under its authority whose term of employment commenced after September 30, 1999, to attend and successfully complete within 6 months of employment, an appropriate basic course certified by the board. The appointing authority may terminate a probation and parole officer's, corrections officer's, or commercial vehicle inspector's employment for failure to:

- (a) meet the minimum standards established by the board; or
- (b) satisfactorily complete the appropriate basic course."

Section 3. Section 44-4-302, MCA, is amended to read:

"44-4-302. (Temporary) Definitions. As used in this part, the following definitions apply:

(1) "Commercial vehicle inspector" means a person authorized by the department of justice to conduct a motor carrier safety inspection pursuant to 44-1-1005.

(2) "Corrections officer" means a person who has full-time or part-time authority and responsibility for maintaining custody of inmates and who performs tasks related to the operation of a prison or juvenile correctional facility.

(3) "Detention center" means a facility established and maintained by an appropriate entity for the purpose of confining arrested persons or persons sentenced to a detention center.

(4) "Detention center administrator" means the sheriff, chief of police, administrator, superintendent, director, or other individual serving as the chief executive officer of a detention center or temporary detention center.

(5) "Detention officer" means a person or a peace officer who has full-time or part-time authority and responsibility for maintaining custody of inmates and who performs tasks related to the operation of a detention center or temporary detention center.

(6) "Juvenile detention center" means a detention facility as defined in 41-5-103.

(7) "Juvenile detention officer" means a person who has full-time or part-time authority and responsibility for maintaining custody of juveniles under the jurisdiction of the youth court and who performs tasks related to the operation of a juvenile detention center.

(8) "Public safety communications officer" means a person who receives requests for emergency services, as defined in 10-4-101, dispatches the appropriate emergency service units, and is certified under 7-31-203.

(9) "Temporary detention center" means a facility for the temporary detention of an arrested person for up to 72 hours, excluding holidays, Saturdays, and Sundays. The period of time a person is held in temporary detention may not exceed 96 hours. (Terminates June 30, 2003--sec. 3, Ch. 160, L. 2001.)

44-4-302. (Effective July 1, 2003) Definitions. As used in this part, the following definitions apply:

(1) "Commercial vehicle inspector" means a person authorized by the department of justice to conduct a motor carrier safety inspection pursuant to 44-1-1005.

(2) "Corrections officer" means a person who has full-time or part-time authority and responsibility for maintaining custody of inmates and who performs tasks related to the operation of a prison or juvenile correctional facility.

(3) "Detention center" means a facility established and maintained by an appropriate entity for the purpose of confining arrested persons or persons sentenced to a detention center.

(4) "Detention center administrator" means the sheriff, chief of police, administrator, superintendent, director, or other individual serving as the chief executive officer of a detention center or temporary detention center.

(5) "Detention officer" means a person or a peace officer who has full-time or part-time authority and responsibility for maintaining custody of inmates and who performs tasks related to the operation of a detention center or temporary detention center.

(6) "Juvenile detention center" means a detention facility as defined in 41-5-103.

(7) "Juvenile detention or juvenile corrections officer" means a person who has full-time or part-time authority and responsibility for maintaining custody of juveniles under the jurisdiction of the youth court or the department of corrections and who performs tasks related to the operation of a juvenile detention center or a

juvenile correctional facility.

~~(6)~~(8) "Public safety communications officer" means a person who receives requests for emergency services, as defined in 10-4-101, dispatches the appropriate emergency service units, and is certified under 7-31-203.

~~(7)~~(9) "Temporary detention center" means a facility for the temporary detention of an arrested person for up to 72 hours, excluding holidays, Saturdays, and Sundays. The period of time that a person is held in temporary detention may not exceed 96 hours."

NEW SECTION. **Section 4. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 44, chapter 4, part 3, and the provisions of Title 44, chapter 4, part 3, apply to [section 1].

NEW SECTION. **Section 5. Effective date.** [This act] is effective July 1, 2003.

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