

HOUSE BILL NO. 636

INTRODUCED BY BIXBY, SMALL-EASTMAN, DICKENSON, CAMPBELL, BRANAE, JACOBSON, JAYNE,
 CORDIER, BERGREN, PARKER, GROESBECK, JOPEK

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING QUOTAS FOR STOPS, CITATIONS, AND ARRESTS BY LAW ENFORCEMENT OFFICERS; PROHIBITING THE USE OF QUOTAS IN EVALUATING LAW ENFORCEMENT OFFICERS; AMENDING SECTIONS 7-32-103, 7-32-2107, 7-32-4105, 44-1-302, AND 46-6-420, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 7-32-103, MCA, is amended to read:

"7-32-103. Structure of department of public safety -- duties -- restrictions on evaluations. (1) The director ~~shall have~~ has the powers and shall perform the duties conferred on and required of sheriffs, police officers, and chiefs of police, except in cases involving the discharge or termination of employment of subordinate employees.

(2) Officers and patrol officers of the city or town police department and deputies of the county sheriff's office ~~shall be~~ are subordinate to the director and ~~shall~~ have the power and shall perform the duties conferred on and required of police officers and patrol officers in cities and towns and of sheriff's deputies in counties, as required by state law and municipal ordinance.

(3) Quotas for investigative stops, citations, or arrests may not be established and may not be used in evaluating officers."

Section 2. Section 7-32-2107, MCA, is amended to read:

"7-32-2107. Tenure for deputy sheriffs -- grounds for termination of employment -- restrictions on evaluations. (1) Any deputy sheriff ~~now~~ employed or who may ~~hereafter~~ be employed shall continue in service until relieved of his employment in the manner ~~hereinafter~~ provided in this part and only for one or more of the following specified causes:

- (~~1~~)(a) conviction of a felony subsequent to the commencement of ~~such~~ employment;
- (~~2~~)(b) willful disobedience of an order or orders given by the sheriff;
- (~~3~~)(c) drinking intoxicating liquor while in uniform or while on official duty or being intoxicated in a public

place while in uniform or while on official duty;

~~(4)~~(d) sleeping while on duty;

~~(5)~~(e) incapacity materially affecting ability to perform official duties;

~~(6)~~(f) gross inefficiency in the performance of official duties.

(2) Quotas for investigative stops, citations, or arrests may not be established and may not be used in evaluating deputies."

Section 3. Section 7-32-4105, MCA, is amended to read:

"7-32-4105. Duties of chief of police. (1) It is the duty of the chief of police:

(a) to execute and return all process issued by the city judge or directed to ~~him~~ the chief by any legal authority and to attend upon the city court regularly;

(b) to arrest all persons guilty of a breach of the peace or for the violation of any city or town ordinance and bring them before the city judge for trial;

(c) to have charge and control of all ~~policemen~~ police officers, subject to ~~such~~ rules as that may be prescribed by ordinance, and to report to the council all delinquencies or neglect of duty or official misconduct of ~~policemen~~ police officers for action of the council;

(d) to perform ~~such~~ other duties as the council may prescribe.

(2) The chief of police has the same powers as a constable in the discharge of ~~his~~ the chief's duties, but ~~he must~~ may not serve a process in any civil action or proceeding except when a city or town is a party.

(3) Quotas for investigative stops, citations, or arrests may not be established and may not be used in evaluating police officers."

Section 4. Section 44-1-302, MCA, is amended to read:

"44-1-302. Powers relating to supervisory personnel -- quotas prohibited. The duties and jurisdiction of the supervisory personnel ~~shall~~ must be outlined and defined by and under the control of the chief. Quotas for investigative stops, citations, or arrests may not be established and may not be used in evaluating highway patrol officers."

Section 5. Section 46-6-420, MCA, is amended to read:

"46-6-420. Arrest, or citation, or stop quotas prohibited. (1) A state or local government agency employing a peace officer may not adopt and require a peace officer to comply with a quota and may not suggest

a quota for arrests, ~~or citations,~~ or investigative stops for any criminal offense or class of criminal offenses, including violations of traffic or motor vehicle laws, contained in state law, an administrative rule adopted by an agency of the state government, or a local government ordinance.

(2) ~~(a)(A)~~ For purposes of this section, "quota" means a specific number of arrests, ~~or citations,~~ or investigative stops.

~~(b) The term does not include the use of generally accepted management techniques that employ performance objectives as part of an overall employee evaluation.~~

~~(b) THE TERM DOES NOT INCLUDE THE USE OF GENERALLY ACCEPTED MANAGEMENT TECHNIQUES THAT EMPLOY PERFORMANCE OBJECTIVES AS PART OF AN OVERALL EMPLOYEE EVALUATION."~~

NEW SECTION. **Section 6. Effective date.** [This act] is effective on passage and approval.

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