

SENATE BILL NO. 273
INTRODUCED BY L. JENT

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING ADMINISTRATION OF STANDARDS AND TRAINING CRITERIA FOR PUBLIC SAFETY PROFESSIONALS; ESTABLISHING A MONTANA PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL ASA QUASI-JUDICIAL BOARD IN PLACE OF THE PEACE OFFICERS' STANDARDS AND TRAINING ADVISORY COUNCIL UNDER THE BOARD OF CRIME CONTROL; PROVIDING THAT THE NEW COUNCIL BE ALLOCATED TO THE DEPARTMENT OF JUSTICE FOR ADMINISTRATIVE PURPOSES; AUTHORIZING RULEMAKING; SPECIFYING MEMBERSHIP; PROVIDING DEFINITIONS AND DUTIES; SPECIFYING RESPONSIBILITY FOR APPLYING THE STANDARDS AND TRAINING REQUIREMENTS; PROVIDING INSTRUCTIONS FOR THE TRANSITION; TRANSFERRING RESPONSIBILITY FOR CONDUCTING TRAINING FOR JUVENILE PROBATION OFFICERS TO THE OFFICE OF COURT ADMINISTRATOR; AMENDING SECTIONS 7-4-2905, 7-31-201, 7-31-202, 7-31-203, 7-32-201, 7-32-214, 7-32-303, 7-32-4112, 19-7-101, 41-5-1706, 44-4-301, 44-4-305, 44-4-902, AND 46-23-1003, MCA; ~~AND~~ REPEALING SECTION 44-4-302, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Montana public safety officer standards and training council -- administrative attachment -- rulemaking.** (1) (A) There is a Montana public safety officer standards and training council, ~~which~~. THE COUNCIL IS A QUASI-JUDICIAL BOARD, AS PROVIDED FOR IN 2-15-124, AND is allocated to the department of justice, established in 2-15-2001, for administrative purposes only as provided in 2-15-121, EXCEPT AS PROVIDED IN SUBSECTION (1)(B) OF THIS SECTION.

(B) THE COUNCIL MAY HIRE ITS OWN PERSONNEL AND INDEPENDENTLY ADMINISTER THE CONDUCT OF ITS BUSINESS, AND 2-15-121(2)(A), (2)(D), AND (3)(A) DO NOT APPLY.

(2) The council may adopt rules to implement the provisions of [sections 2 through 5]. Rules must be adopted pursuant to THE Montana Administrative Procedure Act.

NEW SECTION. **Section 2. Definitions.** For the purposes of [sections 2 through 5], the following definitions apply:

(1) "Council" means the Montana public safety officer standards and training council established in

[section 1].

(2) "Public safety officer" means:

(a) a corrections officer who is employed by the department of corrections, established in 2-15-2301, and who has full-time or part-time authority or responsibility for maintaining custody of inmates in a state correctional facility for adults or juveniles;

(b) a detention officer who is employed by a county and who has full-time or part-time authority or responsibility for maintaining custody of inmates in a detention center, as defined in 7-32-2241, or a juvenile detention center, as defined in 44-4-302;

(c) a peace officer, as defined in 46-1-202;

(d) a department of transportation employee appointed as a peace officer pursuant to 61-12-201;

(e) a law enforcement officer or reserve officer, as the terms are defined in 7-32-201;

(f) a public safety communications officer, as defined in 7-31-201;

(g) a probation or parole officer who is employed by the department of corrections pursuant to 46-23-1002;

~~—(h) a juvenile probation officer who is employed by the judicial branch and subject to 41-5-1706;~~

~~(i)(H)~~ a person subject to training requirements pursuant to 44-2-113 or 44-4-902; and

~~(j)(L)~~ any other person required by law to meet the qualification or training standards established by the council.

NEW SECTION. Section 3. Membership -- compensation. (1) The council consists of no more than 13 voting members appointed by the governor IN ACCORDANCE WITH 2-15-124 AND as provided in this section.

(2) Membership must include but is not limited to:

(a) ~~two~~ ONE state government law enforcement ~~representatives~~ REPRESENTATIVE;

(b) one chief of police, who may be appointed based on recommendations from the Montana association of chiefs of police;

(c) one sheriff, who may be appointed based on recommendations from the Montana sheriffs and peace officers association;

(d) one representative from the department of corrections established in 2-15-2301;

(e) one local law enforcement officer in a nonadministrative position, who may be appointed based on recommendations from the Montana police protective association;

(f) one detention center administrator or detention officer;

- (g) one Montana-certified tribal law enforcement representative;
 - (h) one county attorney, who may be appointed based on recommendations from the Montana county attorneys association;
 - (i) two members of the board of crime control established in 2-15-2006; and
 - (j) ~~two~~ THREE Montana citizens at large who are informed and experienced in the subject of law enforcement training, certification, and professionalism.
- ~~————(3) Council members shall serve 2-year staggered terms.~~
- ~~————(4) The governor may remove a member for misconduct, incompetence, neglect of duty, or unprofessional or dishonorable conduct. A vacancy on the council must be filled in the same manner as the original appointment and may be only for the unexpired portion of the term.~~
- ~~————(5) Council members are entitled to compensation and expenses as provided for advisory council members under 2-15-122.~~

NEW SECTION. Section 4. Council duties -- DETERMINATIONS -- APPEALS. (1) The council shall:

- (a) establish basic and advanced qualification and training standards for employment;
 - (b) conduct and approve training; and
 - (c) provide for the certification or recertification of ~~training~~ PUBLIC SAFETY OFFICERS and for the suspension or revocation of certification of ~~training~~ PUBLIC SAFETY OFFICERS.
- (2) The council may waive or modify a qualification or training standard for good cause.
- (3) A PERSON WHO HAS BEEN DENIED CERTIFICATION OR RECERTIFICATION OR WHOSE CERTIFICATION OR RECERTIFICATION HAS BEEN SUSPENDED OR REVOKED IS ENTITLED TO A CONTESTED CASE HEARING BEFORE THE COUNCIL PURSUANT TO TITLE 2, CHAPTER 4, PART 6, EXCEPT THAT A DECISION BY THE COUNCIL MAY BE APPEALED TO THE BOARD OF CRIME CONTROL, AS PROVIDED FOR IN 44-4-301. A DECISION OF THE BOARD OF CRIME CONTROL IS A FINAL AGENCY DECISION SUBJECT TO JUDICIAL REVIEW.

NEW SECTION. Section 5. Appointing authority responsible for applying standards. It is the responsibility of a public safety officer's appointing authority to apply the employment standards and training criteria established by the council pursuant to [sections 2 through 5], including but not limited to requiring the successful completion of minimum training standards within 1 year of the public safety officer's hire date and terminating the employment of a public safety officer for failure to meet the minimum standards established by the council pursuant to [sections 2 through 5].

Section 6. Section 7-4-2905, MCA, is amended to read:

"7-4-2905. Coroner education and continuing education. (1) Coroner education must be conducted by the ~~board of crime control~~ Montana public safety officer standards and training council established in ~~[section 1]~~. The ~~board council~~ board council may adopt rules establishing standards and procedures for basic and advanced education. The cost of conducting the education must be borne by the department of justice from money appropriated for the education. The county shall pay the salary, mileage, and per diem of each coroner-elect, coroner, and deputy coroner attending from that county.

(2) (a) The ~~board council~~ board council shall conduct a 40-hour basic coroner course of study after each general election. The course, or an equivalent course approved by the ~~board council~~ board council, must be completed before the first Monday in January following the election. The ~~board council~~ board council may conduct other basic coroner courses at times it considers appropriate.

(b) The ~~board council~~ board council shall annually conduct a 16-hour advanced coroner course. Unless there are exigent circumstances, failure of any coroner or deputy coroner to satisfactorily complete the advanced coroner course, or an equivalent course approved by the ~~board council~~ board council, at least once every 2 years results in forfeiture of office. The ~~board council~~ board council may adopt rules providing a procedure to extend the 2-year period ~~due to~~ because of exigent circumstances."

Section 7. Section 7-31-201, MCA, is amended to read:

"7-31-201. Definitions. As used in this part, the following definitions apply:

(1) "~~Board Council~~" means the Montana ~~board of crime control~~ public safety officer standards and training council provided for in ~~2-15-2006~~ [section 1].

(2) "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."

Section 8. Section 7-31-202, MCA, is amended to read:

"7-31-202. Qualifications for public safety communications officers. To be appointed a public safety communications officer, a person:

- (1) must be a citizen of the United States;
- (2) must be at least 18 years of age;
- (3) must be fingerprinted and a search must be made of local, state, and national fingerprint files to

disclose any criminal record;

(4) may not have been convicted of a crime for which ~~he~~ the person could have been imprisoned in a federal or state penitentiary;

(5) must be of good moral character, as determined by a thorough background investigation;

(6) must be a high school graduate or have passed the general education development test and have been issued an equivalency certificate by the superintendent of public instruction or by an appropriate issuing agency of another state or of the federal government; and

(7) ~~shall~~ must meet any additional qualifications established by the ~~board~~ council."

Section 9. Section 7-31-203, MCA, is amended to read:

"7-31-203. Certification of public safety communications officers -- suspension or revocation -- penalty -- notification requirements. (1) A local government shall require that a person, unless exempt under subsection (3), appointed to receive requests for emergency services, as defined in 10-4-101, and to dispatch the appropriate emergency service units be certified by the ~~board~~ council as a public safety communications officer.

(2) (a) The ~~board~~ council shall determine the certification standards for public safety communications officers as provided in 7-31-202.

(b) The certification standards must contain a requirement that an applicant for certification attend and successfully complete a basic course for public safety communications officers conducted by the Montana law enforcement academy within 1 year of date of hire.

(3) (a) A person certified by the ~~board~~ council prior to July 1, 2001, and employed as a public safety communications officer as of July 1, 2001, is not subject to the requirement of subsection (2)(b).

(b) A person under permanent appointment as a public safety communications officer as of July 1, 2001, is not subject to the requirements of subsection (2).

(4) A public safety communications officer who has successfully met the certification standards set by the ~~board~~ council, or who is exempt from certain certification standards pursuant to subsection (3), who has met the qualification requirements in 7-31-202, and who has completed a 6-month probationary term and 1 year of employment must, upon application to the ~~board~~ council, be issued a basic public safety communications officer certificate.

(5) Failure by any person appointed as a public safety communications officer after July 1, 2001, unless exempt under the provisions of subsection (3), to meet the minimum requirements in 7-31-202 or to satisfy the

certification requirements provided for in subsection (2) of this section is cause to terminate that person's employment as a public safety communications officer.

(6) It is unlawful for a person whose certification as a public safety communications officer has been suspended or revoked by the ~~board~~ council to act as a public safety communications officer. A person convicted of violating this subsection is guilty of a misdemeanor, punishable by a term of imprisonment not to exceed 6 months in the county jail or by a fine in an amount not to exceed \$500, or both.

(7) Within 10 days of the appointment, termination, resignation, or death of any public safety communications officer, written notice must be given to the ~~board~~ council by the employing authority."

Section 10. Section 7-32-201, MCA, is amended to read:

"7-32-201. Definitions. As used in this part, the following definitions apply:

(1) "Auxiliary officer" means an unsworn, part-time, volunteer member of a law enforcement agency who may perform but is not limited to the performance of such functions as civil defense, search and rescue, office duties, crowd and traffic control, and crime prevention activities.

(2) "Council" means the Montana public safety officer standards and training council established in [section 1].

~~(2)~~(3) "General law enforcement duties" means patrol operations performed for detection, prevention, and suppression of crime and the enforcement of criminal and traffic codes of this state and its local governments.

~~(3)~~(4) "Law enforcement agency" means a law enforcement service provided directly by a local government.

~~(4)~~(5) "Law enforcement officer" means a sworn, full-time, employed member of a law enforcement agency who is a peace officer₁ as defined in 46-1-202₁ and has arrest authority₁ as described in 46-6-210.

~~(5)~~(6) "Reserve officer" means a sworn, part-time, volunteer member of a law enforcement agency who is a peace officer₁ as defined in 46-1-202₁ and has arrest authority₁ as described in 46-6-210₁ only when authorized to perform these functions as a representative of the law enforcement agency.

~~(6)~~(7) "Special services officer" means an unsworn, part-time, volunteer member of a law enforcement agency who may perform functions, other than general law enforcement duties, that require specialized skills, training, and qualifications, who may be required to train with a firearm, and who may carry a firearm while on assigned duty as provided in 7-32-239."

Section 11. Section 7-32-214, MCA, is amended to read:

"7-32-214. Basic training program required. (1) ~~No~~ A reserve officer may not be authorized to function as a representative of a law enforcement agency performing general law enforcement duties after 2 years from the original appointment unless the reserve officer has satisfactorily completed a minimum 88-hour basic training program ~~which~~ that must include but need not be limited to the following course content:

- (a) introduction and orientation--1 hour;
- (b) police ethics and professionalism--1 hour;
- (c) criminal law--4 hours;
- (d) laws of arrest--4 hours;
- (e) criminal evidence--4 hours;
- (f) administration of criminal law--2 hours;
- (g) communications, reports, and records--2 hours;
- (h) crime investigations--3 hours;
- (i) interviews and interrogations--2 hours;
- (j) patrol procedures--6 hours;
- (k) crisis intervention--4 hours;
- (l) police human and community relations--3 hours;
- (m) juvenile procedures--2 hours;
- (n) defensive tactics--4 hours;
- (o) crowd control tactics--4 hours;
- (p) firearms training--30 hours;
- (q) first aid--10 hours; and
- (r) examination--2 hours.

(2) The law enforcement agency is responsible for training its reserve officers in accordance with minimum training standards established by the ~~Montana board of crime control~~ council."

Section 12. Section 7-32-303, MCA, is amended to read:

"7-32-303. Peace officer employment, education, and certification standards -- suspension or revocation -- penalty. (1) For purposes of this section, unless the context clearly indicates otherwise, "peace officer" means a deputy sheriff, undersheriff, police officer, highway patrol officer, fish and game warden, park ranger, campus security officer, or airport police officer.

(2) ~~No~~ A sheriff of a county, mayor of a city, board, or commission; or other person authorized by law

to appoint peace officers in this state ~~shall~~ may not appoint any person as a peace officer who does not meet the following qualifications plus any additional qualifying standards for employment promulgated by the ~~board of crime control~~ Montana public safety officer standards and training council established in [section 1]:

- (a) be a citizen of the United States;
 - (b) be at least 18 years of age;
 - (c) be fingerprinted and a search made of the local, state, and national fingerprint files to disclose any criminal record;
 - (d) not have been convicted of a crime for which the person could have been imprisoned in a federal or state penitentiary;
 - (e) be of good moral character, as determined by a thorough background investigation;
 - (f) be a high school graduate or have passed the general education development test and have been issued an equivalency certificate by the superintendent of public instruction or by an appropriate issuing agency of another state or of the federal government;
 - (g) be examined by a licensed physician, who is not the applicant's personal physician, appointed by the employing authority to determine if the applicant is free from any mental or physical condition that might adversely affect performance by the applicant of the duties of a peace officer;
 - (h) successfully complete an oral examination conducted by the appointing authority or its designated representative to demonstrate the possession of communication skills, temperament, motivation, and other characteristics necessary to the accomplishment of the duties and functions of a peace officer; and
 - (i) possess or be eligible for a valid Montana driver's license.
- (3) At the time of appointment, a peace officer shall take a formal oath of office.
- (4) Within 10 days of the appointment, termination, resignation, or death of any peace officer, written notice thereof must be given to the ~~board of crime control~~ Montana public safety officer standards and training council by the employing authority.
- (5) (a) Except as provided in subsections (5)(b) and (5)(c), it is the duty of an appointing authority to cause each peace officer appointed under its authority to attend and successfully complete, within 1 year of the initial appointment, an appropriate peace officer basic course certified by the ~~board of crime control~~ Montana public safety officer standards and training council. Any peace officer appointed after September 30, 1983, who fails to meet the minimum requirements as set forth in subsection (2) or who fails to complete the basic course as required by this subsection (5)(a) forfeits the position, authority, and arrest powers accorded a peace officer in this state.

(b) A peace officer who has been issued a basic certificate by the ~~board of crime control~~ Montana public safety officer standards and training council and whose last date of employment as a peace officer was less than 36 months prior to the date of the person's present appointment as a peace officer is not required to fulfill the basic educational requirements of subsection (5)(a). If the peace officer's last date of employment as a peace officer was 36 or more but less than 60 months prior to the date of present employment as a peace officer, the peace officer may satisfy the basic educational requirements as set forth in subsection (5)(c).

(c) A peace officer under the provisions of subsection (5)(b) or a peace officer who has completed a basic peace officer's course in another state and whose last date of employment as a peace officer was less than 60 months prior to the date of present appointment as a peace officer may, within 1 year of the peace officer's present employment or initial appointment as a peace officer within this state, satisfy the basic educational requirements by successfully passing a basic equivalency test administered by the Montana law enforcement academy and successfully completing a legal training course conducted by the academy. If the peace officer fails the basic equivalency test, the peace officer shall complete the basic course within 120 days of the date of the test.

(6) The ~~board of crime control~~ Montana public safety officer standards and training council may extend the 1-year time requirements of subsections (5)(a) and (5)(c) upon the written application of the peace officer and the appointing authority of the officer. The application must explain the circumstances that make the extension necessary. Factors that the ~~board~~ council may consider in granting or denying the extension include but are not limited to illness of the peace officer or a member of the peace officer's immediate family, absence of reasonable access to the basic course or the legal training course, and an unreasonable shortage of personnel within the department. The ~~board~~ council may not grant an extension to exceed 180 days.

(7) A peace officer who has successfully met the employment standards and qualifications and the educational requirements of this section and who has completed a 1-year probationary term of employment must, upon application to the ~~board of crime control~~ Montana public safety officer standards and training council, be issued a basic certificate by the ~~board~~ council, certifying that the peace officer has met all the basic qualifying peace officer standards of this state.

(8) It is unlawful for a person whose certification as a peace officer, detention officer, or detention center administrator has been revoked or suspended by the ~~board of crime control~~ Montana public safety officer standards and training council to act as a peace officer, detention officer, or detention center administrator. A person convicted of violating this subsection is guilty of a misdemeanor, punishable by a term of imprisonment not to exceed 6 months in the county jail or by a fine not to exceed \$500, or both."

Section 13. Section 7-32-4112, MCA, is amended to read:

"7-32-4112. Qualifications of police officers. A member of a police department on the active list of any city at the time of appointment under this part may not be less than 18 years of age, must be a citizen of the United States, and ~~shall~~ must meet the minimum qualifying standards for employment promulgated by the ~~board of crime control~~ Montana public safety officer standards and training council established in [section 1]."

Section 14. Section 19-7-101, MCA, is amended to read:

"19-7-101. Definitions. Unless the context requires otherwise, the following definitions apply in this chapter:

(1) (a) "Compensation" means remuneration paid from funds controlled by an employer for the member's services or for time during which the member is excused from work because the member has taken compensatory leave, sick leave, annual leave, or a leave of absence before any pretax deductions allowed by state or federal law are made.

(b) Compensation does not include maintenance, allowances, and expenses.

(2) "Detention officer" means any detention officer, as defined in 44-4-302, who is hired by a sheriff, employed in a detention center, and acting as a detention officer for the sheriff and who has received or is expected to receive training to meet the employment standards set ~~by the board of crime control pursuant to 44-4-304~~ for detention officers by the Montana public safety officer standards and training council established in [section 1].

(3) "Highest average compensation" means a member's highest average monthly compensation during any 36 consecutive months of membership service or, ~~in the event if~~ a member has not served at least 36 months, the total compensation earned divided by the number of months of service. Lump-sum payments for severance pay, including payment for compensatory leave, sick leave, and annual leave, paid to the member upon termination of employment may be used in the calculation of a retirement benefit only to the extent that they are used to replace, on a month-for-month basis, the normal compensation for a month or months included in the calculation of the highest average compensation. A lump-sum payment may not be added to a single month's compensation.

(4) "Investigator" means a person who is employed as a criminal investigator or as a gambling investigator for the department of justice.

(5) "Sheriff" means any elected or appointed county sheriff or undersheriff or any appointed, lawfully trained, appropriately salaried, and regularly acting deputy sheriff with the requisite professional certification and

licensing."

Section 15. Section 41-5-1706, MCA, is amended to read:

"41-5-1706. Juvenile probation officer training. (1) ~~The department of justice~~ OFFICE OF COURT ADMINISTRATOR may conduct a 40-hour juvenile probation officer basic training program and other training programs and courses for juvenile probation officers. ~~A 40-hour juvenile probation officer basic training program and other training programs and courses for juvenile probation officers may be offered by another public agency or by a private entity if the program or course is approved by the board of crime control.~~ Montana public safety officer standards and training council established in [section 1]. If funding is available, ~~the department shall conduct a 40-hour basic training program once a year.~~

(2) A juvenile probation officer who successfully completes the 40-hour basic training program or another program or course must be issued a certificate by the ~~board~~ council OFFICE OF COURT ADMINISTRATOR.

(3) Each chief probation officer and deputy probation officer shall obtain 16 hours a year of training in subjects relating to the powers and duties of probation officers ~~in a program or course conducted by the department of justice or approved by the board of crime control~~ council.

~~———— (4) The board~~ council may adopt rules to implement this section."

Section 16. Section 44-4-301, MCA, is amended to read:

"44-4-301. Functions. ~~(1)~~ (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 SHALL CONSIDER ALL APPEALS BROUGHT FROM DECISIONS OF THE MONTANA PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL PURSUANT TO [SECTION 4]. A BOARD MEMBER DESIGNATED AS A MEMBER OF THE MONTANA PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL, AS PROVIDED IN [SECTION 3], MAY NOT PARTICIPATE IN APPEALS BROUGHT TO THE BOARD FROM DECISIONS OF THE COUNCIL. THE BOARD SHALL PROMULGATE RULES GOVERNING THE MANNER AND METHOD OF THE APPEALS.

~~(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 employees of the department of transportation designated or appointed as peace officers under 61-10-154 or 61-12-201; 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 employees of the department of transportation designated or appointed as peace officers under 61-10-154 or 61-12-201.~~

~~———— (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 employees of the department of transportation designated or appointed as peace officers under 61-10-154 or 61-12-201, and establish minimum standards for law enforcement, 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 employees of the department of transportation designated or appointed as peace officers under 61-10-154 or 61-12-201.~~

~~———— (7) It is the duty of the appointing authority to cause each probation and parole officer, corrections officer, juvenile detention or juvenile corrections officer, and employee of the department of transportation designated or appointed as a peace officer under 61-10-154 or 61-12-201 to attend and successfully complete within 1 year 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 juvenile detention or juvenile corrections officer's employment or the employment of an employee of the department of transportation designated or appointed as a peace officer under 61-10-154 or 61-12-201 for failure to:~~

~~———— (a) meet the minimum standards established by the board; or~~

~~———— (b) satisfactorily complete the appropriate basic course."~~

SECTION 17. SECTION 44-4-305, MCA, IS AMENDED TO READ:

"44-4-305. 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 ~~44-4-304~~ [section 4]. The training must be done under the auspices of the Montana law enforcement academy but does not have to occur at the academy."

Section 18. Section 44-4-902, MCA, is amended to read:

"44-4-902. Application for appointment. A class I railroad corporation, as defined by the interstate commerce commission in part 1201 of 49 CFR, desiring the appointment of an officer or employee as a special peace officer shall apply to the attorney general. The application must state the name, age, and place of residence of the person applying for appointment. The applicant must have at least 3 years of experience as a class I railroad peace officer or have completed a training course at an approved law enforcement academy, or meet the qualifications described in 7-32-303 and adopted ~~under 44-4-304~~ pursuant to [sections 2 through 5]. The application must be signed by the applicant and a managing officer of the railroad corporation. The managing officer signing the application shall at the same time submit an affidavit to the effect that ~~he~~ the officer is acquainted with the person seeking appointment, that ~~he~~ the officer believes ~~him~~ the applicant to be of good moral character, and that ~~he~~ the applicant is of such good moral character and has experience such that ~~he~~ the applicant can be safely entrusted with the powers and duties of a special peace officer."

Section 19. Section 46-23-1003, MCA, is amended to read:

"46-23-1003. Qualifications of probation and parole officers. (1) Probation and parole officers ~~shall~~ must have at least a college degree and some formal training in behavioral sciences. Exceptions to this rule must be approved by the department. Related work experience in the areas listed in 2-15-2302(2) may be substituted for educational requirements at the rate of 1 year of experience for 9 months formal education if approved by the department. All present employees ~~will be~~ are exempt from this requirement but are encouraged to further their education at the earliest opportunity.

(2) Each probation and parole officer ~~must~~ shall, through a source approved by ~~his~~ the officer's employer, obtain 16 hours a year of training in subjects relating to the powers and duties of probation officers. In addition, each probation and parole officer must receive training in accordance with standards adopted by the ~~board of crime control, as provided in 44-4-304~~ Montana public safety officer standards and training council established in [section 1]. The training must be at the Montana law enforcement academy unless the ~~board~~ council finds that training at some other place is more appropriate."

NEW SECTION. Section 20. Repealer. Section 44-4-302, MCA, is repealed.

NEW SECTION. Section 21. Transition. (1) The peace officers' standards and training advisory council under the board of crime control, established in 2-15-2006, must become the Montana public safety officer standards and training council, established in [section 1], on [the effective date of this act].

(2) Appointment pursuant to [section 3] to replace a member of the peace officers' standards and training advisory council who was a member on the day before [the effective date of this act] may be made immediately upon the expiration of the member's term.

(3) All members of the Montana public safety officer standards and training council are entitled to compensation pursuant to ~~[section 3(5)]~~ 2-15-124 beginning [the effective date of this act].

NEW SECTION. Section 22. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell Chippewa tribe.

NEW SECTION. Section 23. Codification instruction -- directions to code commissioner. (1) [Section 1] is intended to be codified as an integral part of Title 2, chapter 15, part 20, and the provisions of Title 2, chapter 15, part 20, apply to [section 1].

(2) [Sections 2 through 5] are intended to be codified as an integral part of Title 44, chapter 4, and the provisions of Title 44, chapter 4, apply to [sections 2 through 5].

(3) The code commissioner is instructed to renumber and codify 44-4-305 as an integral part of Title 41, chapter 5, part 18.

NEW SECTION. Section 24. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

NEW SECTION. SECTION 25. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE JULY 1, 2007.

- END -