

HOUSE BILL NO. 181

INTRODUCED BY F. MANDEVILLE

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING CERTIFICATION STANDARDS FOR POLICE
5 DOGS; REQUIRING THE PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL TO ESTABLISH
6 THE STANDARDS AND TO CONDUCT CERTAIN TYPES OF TESTING FOR DOGS AND HANDLERS;
7 REQUIRING THE STANDARDS TO HAVE COMPONENTS FOR PATROL, NARCOTICS DETECTION,
8 EXPLOSIVE DETECTION, AND ACCELERANT DETECTION CERTIFICATION; PROHIBITING THE USE OF
9 A POLICE DOG THAT HAS NOT BEEN CERTIFIED; REQUIRING THE COUNCIL TO CONSULT WITH
10 CERTAIN ORGANIZATIONS IN THE DEVELOPMENT OF THE STANDARDS; AMENDING SECTIONS 44-4-401
11 AND 44-4-403, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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15 **NEW SECTION. Section 1. Police dog certification -- testing standards -- prohibition on use of**
16 **uncertified dog.** (1) By October 1, 2017, the council shall establish police dog certification standards.

17 (2) The standards must include components for patrol certification, narcotics detection certification,
18 explosive detection certification, and accelerant detection certification.

19 (3) The patrol certification standards must require but not be limited to the following tests:

- 20 (a) obedience;
- 21 (b) call-off;
- 22 (c) apprehension;
- 23 (d) building search;
- 24 (e) area search; and

25 (f) any other test that the council, in consultation with the organizations described in subsection (7),
26 determines to be an appropriate evaluation of police dog and handler skills.

27 (4) The narcotics detection, explosive detection, and accelerant detection certification standards must
28 include that a dog and handler be able to successfully locate, despite distractions, specific types of narcotics,
29 explosives, or accelerants in searches of vehicles, buildings, and other areas.

30 (5) Successful completion of the tests administered pursuant to subsections (3) and (4) must be



1 determined by an evaluator who has been approved by the council.

2 (6) A public safety officer may not use a police dog in the performance of the officer's official duties
3 unless the police dog has been certified as provided in this section.

4 (7) In developing the standards, the council shall consult with Montana-based organizations established
5 to promote the safe and effective use of police dogs and to assist public safety officers who use police dogs with
6 training and equipment needs.

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8 **Section 2.** Section 44-4-401, MCA, is amended to read:

9 **"44-4-401. Definitions.** For the purposes of this part, the following definitions apply:

10 (1) "Council" means the Montana public safety officer standards and training council established in
11 2-15-2029.

12 (2) "Police dog" has the meaning provided in 45-8-209.

13 ~~(2)~~(3) "Public safety officer" means:

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

17 (b) a detention officer who is employed by a county and who has full-time or part-time authority or
18 responsibility for maintaining custody of inmates in a detention center, as defined in 7-32-2241, or a youth
19 detention facility, as defined in 41-5-103;

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

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

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

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

24 (g) a probation or parole officer who is employed by the department of corrections pursuant to
25 46-23-1002;

26 (h) a person subject to training requirements pursuant to 44-2-113 or 44-4-902; and

27 (i) any other person required by law to meet the qualification or training standards established by the
28 council."

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30 **Section 3.** Section 44-4-403, MCA, is amended to read:

1 **"44-4-403. Council duties -- determinations -- appeals.** (1) The council shall:
2 (a) establish basic and advanced qualification and training standards for employment;
3 (b) conduct and approve training; ~~and~~
4 (c) provide for the certification or recertification of public safety officers and for the suspension or
5 revocation of certification of public safety officers; and

6 (d) establish police dog certification standards pursuant to [section 1].

7 (2) The council may waive or modify a qualification or training standard for good cause.

8 (3) A person who has been denied certification or recertification or whose certification or recertification
9 has been suspended or revoked is entitled to a contested case hearing before the council pursuant to Title 2,
10 chapter 4, part 6, except that a decision by the council may be appealed to the board of crime control, as provided
11 for in 44-4-301. A decision of the board of crime control is a final agency decision subject to judicial review.

12 (4) The council is designated as a criminal justice agency within the meaning of 44-5-103 for the purpose
13 of obtaining and retaining confidential criminal justice information, as defined in 44-5-103, regarding public safety
14 officers in order to provide for the certification or recertification of a public safety officer and for the suspension
15 or revocation of certification of a public safety officer. The council may not record or retain any confidential
16 criminal justice information without complying with the provisions of the Montana Criminal Justice Information Act
17 of 1979 provided for in Title 44, chapter 5."

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

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22 NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.

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