

HOUSE BILL NO. 567

INTRODUCED BY D. SKEES

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4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE MONTANA SCHOOL MARSHAL PROGRAM;
5 PROVIDING QUALIFICATIONS TO BE APPOINTED AS A SCHOOL MARSHAL; PROVIDING TRAINING AND
6 CERTIFICATION REQUIREMENTS; PROVIDING SCHOOL MARSHAL DUTIES; PROVIDING DUTIES FOR
7 SCHOOL DISTRICT BOARDS OF TRUSTEES; REQUIRING THE IDENTITY OF A SCHOOL MARSHAL TO BE
8 KEPT CONFIDENTIAL; ALLOWING THE SCHOOL DISTRICT TO PAY FOR CERTAIN PROGRAM COSTS;
9 REQUIRING THE MONTANA LAW ENFORCEMENT ACADEMY TO DEVELOP A SCHOOL MARSHAL
10 TRAINING COURSE; AMENDING SECTIONS 44-4-401 AND 44-10-303, MCA; AND PROVIDING AN
11 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. School marshal program -- qualifications -- training requirements.** (1)
16 The board of trustees may appoint a school district employee to be certified as a school marshal. The appointed
17 employee must be a full-time employee of the district.

18 (2) Upon completion of the required training program and certification by the Montana public safety
19 officer standards and training council, the employee may be employed:

- 20 (a) full-time as a school marshal; or
21 (b) half-time in the employee's original position and half-time as a school marshal. For a half-time school
22 marshal, the employee's original position must remain the employee's primary duty.

- 23 (3) To be eligible to serve as a school marshal, the school district employee must:
24 (a) have a permit to carry a concealed weapon pursuant to 45-8-321;
25 (b) meet the qualifications required for peace officers pursuant to 7-32-303; and
26 (c) complete the training and certification required under [section 2].

- 27 (4) For purposes of [sections 1 through 5], the following definitions apply:
28 (a) "Montana public safety officer standards and training council" means the council established in
29 2-15-2029.

- 30 (b) "Public school property" has the meaning provided in 20-1-220.

1 (c) "School marshal" means a person who is appointed by the board of trustees and employed by a
2 school district to protect the health and safety of people and to maintain order on public school property.

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4 **NEW SECTION. Section 2. School marshal training and certification.** (1) To be eligible to serve as
5 a school marshal, a school employee shall first:

6 (a) meet the qualifications required under 44-10-301 for admission to the Montana law enforcement
7 academy;

8 (b) successfully complete a basic course in school marshal training conducted by the Montana law
9 enforcement academy pursuant to [section 7]; and

10 (c) be certified as a school marshal by the Montana public safety officer standards and training council.

11 (2) The trustees shall pay for the employee's expenses to complete the training required under this
12 section pursuant to 44-10-303.

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14 **NEW SECTION. Section 3. School marshal duties and responsibilities.** (1) A school marshal may
15 act only as necessary to prevent or stop the commission of an offense that threatens serious bodily injury or death
16 of persons on public school property.

17 (2) Pursuant to 45-8-361, with the consent of the trustees, a school marshal may possess, carry, and
18 store a firearm on public school property.

19 (3) The trustees shall adopt a policy describing the school marshal's duties and responsibilities. The
20 policy must:

21 (a) provide procedures for how a school marshal may possess, carry, and store a firearm on public
22 school property as authorized pursuant to 45-8-361 and subsection (2) of this section;

23 (b) provide alternate procedures regarding the possession, carrying, and storage of a firearm by a school
24 marshal based on the amount of time the school marshal has regular, direct contact with students;

25 (c) specify the types of firearms, ammunition, and other related equipment that a school marshal is
26 authorized to possess, carry, and store on public school property; and

27 (d) specify requirements regarding the subject matter and frequency of additional professional
28 development and training.

29
30 **NEW SECTION. Section 4. School marshal program -- trustees' duties.** (1) To implement a school

1 marshal program, the trustees shall:

2 (a) ensure that a school district employee who is appointed as a school marshal satisfies the
3 qualifications required under [section 1]; and

4 (b) adopt a written school marshal program policy as required under [section 3(3)].

5 (2) A school marshal is an employee of the school district and is not entitled to retirement benefits
6 normally provided by the state to a peace officer.

7 (3) An employee's status as a school marshal ends if:

8 (a) the employee's license to carry a concealed weapon is suspended or revoked;

9 (b) the employee's employment with the school district ends; or

10 (c) the board of trustees sends written notice to the employee that the employee's services as a school
11 marshal are no longer required.

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13 **NEW SECTION. Section 5. School marshal identity to be kept confidential.** (1) Except as provided
14 in subsection (2), the trustees shall keep the identity of a school marshal confidential.

15 (2) The trustees shall submit the school marshal's name, date of birth, and address of the school
16 marshal's place of employment to:

17 (a) the Montana public safety officer standards and training council; and

18 (b) (i) the chief law enforcement officer of the local municipal law enforcement agency if the school
19 marshal is employed by a school district located within a municipality; or

20 (ii) the sheriff of a county if the school marshal is employed by a school district that is not located within
21 a municipality.

22

23 **Section 6.** Section 44-4-401, MCA, is amended to read:

24 **"44-4-401. Definitions.** For the purposes of this part, the following definitions apply:

25 (1) "Council" means the Montana public safety officer standards and training council established in
26 2-15-2029.

27 (2) "Public safety officer" means:

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

- 1 (b) a detention officer who is employed by a county and who has full-time or part-time authority or
2 responsibility for maintaining custody of inmates in a detention center, as defined in 7-32-2241, or a youth
3 detention facility, as defined in 41-5-103;
- 4 (c) a peace officer, as defined in 46-1-202;
- 5 (d) a department of transportation employee appointed as a peace officer pursuant to 61-12-201;
- 6 (e) a law enforcement officer or reserve officer, as the terms are defined in 7-32-201;
- 7 (f) a public safety communications officer, as defined in 7-31-201;
- 8 (g) a probation or parole officer who is employed by the department of corrections pursuant to
9 46-23-1002;
- 10 (h) a person subject to training requirements pursuant to 44-2-113 or 44-4-902; ~~and~~
- 11 (i) a school marshal, as defined in [section 1]; and
- 12 ~~(j)~~(j) any other person required by law to meet the qualification or training standards established by the
13 council."
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15 **NEW SECTION. Section 7. School marshal training program.** The Montana law enforcement
16 academy shall develop and offer a program to train school marshals as public safety officers. The curriculum for
17 the school marshal training must be developed by the department of justice in consultation with school districts
18 that employ or intend to employ a school marshal. The curriculum for the school marshal training must include:

- 19 (1) the relevant elements from the basic law enforcement training course, including but not limited to
20 firearms training, first aid, defensive tactics, crowd control tactics, juvenile procedures, crisis intervention, and
21 police human and community relations;
- 22 (2) proper procedures for how a school marshal may possess, carry, and store a firearm while on public
23 school property, including providing alternate procedures based on the amount of time a school marshal spends
24 in regular, direct contact with students;
- 25 (3) how to identify, assess, and advise mitigation for school safety and security vulnerabilities and other
26 concerns;
- 27 (4) strategies to identify potential risks and prevent school shootings;
- 28 (5) strategies to secure the safety of potential victims of a school shooting or other emergency situation
29 that threatens to cause injury or death to persons on public school property;
- 30 (6) training to respond to an emergency situation that requires deadly force, including a situation

1 involving an active shooter; and

2 (7) education about legal issues, including issues related to:

3 (a) the duties of a school marshal or other peace officers; and

4 (b) the use of force or deadly force in the protection of others.

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6 **Section 8.** Section 44-10-303, MCA, is amended to read:

7 **"44-10-303. Expenditure of funds by local governments authorized.** ~~The expenditure of funds by~~
8 ~~any~~ A city, town, municipality, or county, or school district may pay for the training costs, board, room, and travel
9 expenses of the officers attending the academy ~~shall be a lawful expenditure."~~

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11 NEW SECTION. **Section 9. Codification instruction.** (1) [Sections 1 through 5] are intended to be
12 codified as an integral part of Title 20, chapter 7, part 13, and the provisions of Title 20, chapter 7, part 13, apply
13 to [sections 1 through 5].

14 (2) [Section 7] is intended to be codified as an integral part of Title 44, chapter 10, part 2, and the
15 provisions of Title 44, chapter 10, part 2, apply to [section 7].

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17 NEW SECTION. **Section 10. Effective date.** [This act] is effective July 1, 2019.

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