- 2023

68th Legislature 2023 Drafter: Pad McCracken, 406-444-3595 HB0802.001.001

1	HOUSE BILL NO. 802
2	INTRODUCED BY S. KERNS
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4	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO REVOKING PEACE OFFICER
5	CERTIFICATION; PROVIDING THAT A PEACE OFFICER'S CERTIFICATION MAY NOT BE REVOKED
6	SOLELY ON THE BASIS OF A MENTAL ILLNESS; AND AMENDING SECTION 7-32-303 44-4-403, MCA."
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8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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10	(Refer to Introduced Bill)
11	Strike everything after the enacting clause and insert:
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13	Section 1. Section 44-4-403, MCA, is amended to read:
14	"44-4-403. Council duties determinations appeals. (1) The council shall:
15	(a) establish basic and advanced qualification and training standards for employment;
16	(b) conduct and approve training; and
17	(c) provide for the certification or recertification of public safety officers and for the suspension or
18	revocation of certification of public safety officers.
19	(2) The council may waive or modify a qualification or training standard for good cause.
20	(3) The council may not revoke a public safety officer's certification solely on the basis of a public
21	safety officer's mental illness unless, due to the mental illness, a physical or mental condition exists that, even
22	with reasonable accommodation:
23	(a) substantially limits the officer's ability to perform the essential duties of a public safety officer; or
24	(b) poses a direct threat to the health and safety of the public or fellow public safety officers.
25	(3)(4) A person who has been denied certification or recertification or whose certification or
26	recertification has been suspended or revoked is entitled to a contested case hearing before the council
27	pursuant to Title 2, chapter 4, part 6. A decision of the council is a final agency decision subject to judicial
28	review.



Amendment - 1st Reading-white - Requested by: Scot Kerns - (H) Judiciary

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

- END -

