

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."

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)~~ (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.

