

1 HOUSE BILL NO. 697  
2 INTRODUCED BY B. MERCER

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO THE PUBLIC  
5 SAFETY OFFICER STANDARDS AND TRAINING COUNCIL; REVISING THE ADMINISTRATIVE  
6 ATTACHMENT OF THE PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL; REQUIRING  
7 THE BOARD OF CRIME CONTROL TO HEAR APPEALS FROM CERTAIN DECISIONS OF THE PUBLIC  
8 SAFETY OFFICER STANDARDS AND TRAINING COUNCIL; PROVIDING REPORTING REQUIREMENTS;  
9 AMENDING SECTIONS 2-15-2029, 44-4-403, AND 44-7-101, MCA; AND PROVIDING AN EFFECTIVE  
10 DATE."

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

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14 NEW SECTION. **Section 1. Investigations report.** Starting October 1, 2023, and each quarter after,  
15 the council shall provide a written report on pending investigations to the law and justice interim committee in  
16 accordance with 5-11-210. The report must protect the privacy rights of the individuals involved and must  
17 provide for each investigation:

- 18 (1) when it was opened;
- 19 (2) the process that remains to be completed; and
- 20 (3) the likely timing for resolution of the investigation.

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22 **Section 2.** Section 2-15-2029, MCA, is amended to read:

23 **"2-15-2029. (Temporary) Montana public safety officer standards and training council --**  
24 **rulemaking -- report to law and justice interim committee.** (1) (a) There is a Montana public safety officer  
25 standards and training council. The council is a quasi-judicial board, as provided for in 2-15-124, and is  
26 allocated to the department of justice established in 2-15-2001, except as provided in subsections (1)(b) and  
27 (1)(c) of this section.

28 (b) The council shall coordinate with the department of justice to hire the bureau chief of the public

1 safety officer standards and training bureau.

2 (c) The council maintains its independent and quasi-judicial authority and duties provided for in 44-  
3 4-403.

4 (2) The council may adopt rules to implement the provisions of Title 44, chapter 4, part 4. Rules  
5 must be adopted pursuant to the Montana Administrative Procedure Act.

6 (3) The department of justice and the public safety officer standards and training council shall  
7 report to the law and justice interim committee. (Terminates June 30, 2023--sec. 19, Ch. 566, L. 2021.)

8 **2-15-2029. (Effective July 1, 2023) Montana public safety officer standards and training council**

9 **-- administrative attachment -- rulemaking.** (1) (a) There is a Montana public safety officer standards and  
10 training council. The council is a quasi-judicial board, as provided for in 2-15-124, and is allocated to the  
11 ~~department of justice, established in 2-15-2004~~ board of crime control, established in 2-15-2008, for  
12 administrative purposes only as provided in 2-15-121, except as provided in subsection (1)(b) of this section.

13 (b) The council may hire its own personnel and independently administer the conduct of its  
14 business, and 2-15-121(2)(a), (2)(d), and (3)(a) do not apply.

15 (2) The council may adopt rules to implement the provisions of Title 44, chapter 4, part 4. Rules  
16 must be adopted pursuant to the Montana Administrative Procedure Act."

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

19 **"44-4-403. Council duties -- determinations -- appeals.** (1) The council shall:

20 (a) establish basic and advanced qualification and training standards for employment;

21 (b) conduct and approve training; and

22 (c) provide for the certification or recertification of public safety officers and for the suspension or  
23 revocation of certification of public safety officers.

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

25 (3) 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, except that a decision by the council may be appealed to the board of  
28 crime control, as provided for in 44-7-101. A decision of the ~~council~~ board of crime control is a final agency

1 decision subject to judicial review.

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

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9 **Section 4.** Section 44-7-101, MCA, is amended to read:

10 **"44-7-101. Functions.** (1) As designated by the governor as the state planning agency under the  
11 Omnibus Crime Control and Safe Streets Act of 1968, as amended, the board of crime control shall perform the  
12 functions assigned to it under that act. The board shall also provide to criminal justice agencies technical  
13 assistance and supportive services that are approved by the board or assigned by the governor or legislature.

14 (2) The board shall consider all appeals brought from decisions of the Montana public safety  
15 officer standards and training council pursuant to 44-4-403. A board member designated as a member of the  
16 Montana public safety officer standards and training council, as provided in 44-4-402, may not participate in  
17 appeals brought to the board from decisions of the council. The board shall promulgate rules governing the  
18 manner and method of appeals."

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20 NEW SECTION. **Section 5. Codification instruction.** [Section 1] is intended to be codified as an  
21 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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23 NEW SECTION. **Section 6. Effective date.** [This act] is effective July 1, 2023.

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