

HOUSE BILL NO. 802

INTRODUCED BY S. KERNS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO REVOKING PEACE OFFICER CERTIFICATION; PROVIDING THAT A PEACE OFFICER'S CERTIFICATION MAY NOT BE REVOKED SOLELY ON THE BASIS OF A MENTAL ILLNESS; AND AMENDING SECTION ~~7-32-303~~ 44-4-403, MCA."

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

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

Section 1. Section 44-4-403, MCA, is amended to read:

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

- (a) establish basic and advanced qualification and training standards for employment;
- (b) conduct and approve training; and
- (c) provide for the certification or recertification of public safety officers and for the suspension or revocation of certification of public safety officers.

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

(3) The council may not revoke a public safety officer's certification solely on the basis of a public safety officer's mental illness unless, due to the mental illness, a physical or mental condition exists that, even with reasonable accommodation:

(a) substantially limits the officer's ability to perform the essential duties of a public safety officer; or

(b) poses a direct threat to the health and safety of the public or fellow public safety officers.

~~(3)~~(4) A person who has been denied certification or recertification or whose certification or recertification has been suspended or revoked is entitled to a contested case hearing before the council pursuant to Title 2, chapter 4, part 6. A decision of the council is a final agency decision subject to judicial review.

