

SENATE BILL NO. 391

INTRODUCED BY B. USHER

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A PARTIAL SALARY PAYMENT OR THE REASSIGNMENT OF DETENTION OFFICERS INJURED IN THE PERFORMANCE OF DUTY; AND SUPERSEDING THE UNFUNDED MANDATE LAWS."

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

**NEW SECTION. Section 1. Payment of partial salary of detention officer injured in performance of duty.** (1) A detention officer who is injured in the performance of the detention officer's duties and who requires medical or other remedial treatment for injuries that render the detention officer unable to perform the detention officer's duties must be paid by the county the difference between the detention officer's net salary following adjustments for income taxes and pension contributions and the amount received from workers' compensation until the disability has ceased, as determined by workers' compensation or for a period not to exceed 1 year, whichever occurs first.

(2) To qualify for the partial salary payment provided for in subsection (1), the detention officer must be unable to perform the detention officer's duties as a result of the injury.

**NEW SECTION. Section 2. Assignment to light duty or other agency.** (1) Whenever, in the opinion of the county and supported by a health care provider's opinion, the detention officer is able to perform specified types of light duty, payment of the officer's partial salary amount under [section 1] must be discontinued if the detention officer refuses to perform light duty when it is available and offered to the detention officer.

(2) The detention officer may be transferred to another department or agency within the county.

**NEW SECTION. Section 3. Unfunded mandate laws superseded.** The provisions of [this act] expressly supersede and modify the requirements of 1-2-112 through 1-2-116.

1  
2  
3  
4  
5

**NEW SECTION. Section 4. Codification instruction.** [Sections 1 and 2] are intended to be codified as an integral part of Title 7, chapter 32, part 22, and the provisions of Title 7, chapter 32, part 22, apply to [sections 1 and 2].

- END -