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**66th Montana Legislature**

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TO: Committee Members  
FROM: Julianne Burkhardt, Staff Attorney  
RE: Administrative Rule Activity  
DATE: May 1, 2020

**Department of Corrections (DOC)**

MAR 2020 Issue No. 6 (March 27, 2019) MAR Notice No. 20-4-65

The DOC issued a NOTICE OF ADOPTION of a NEW RULE regarding rental vouchers for offenders on reentry. A public hearing was held on January 16, 2020.

This new rule came as a result of Senate Bill 65 (2017) which was a justice reinvestment bill. Senate Bill 65 created a supportive housing grant program to be administered by the Board of Crime Control and allowing the DOC to provide housing assistance to offenders re-entering their communities. Section 3 of Senate bill 65, codified as 46-23-1041, allows the DOC to provide up to 3 months of housing assistance to offenders when the DOC does not approve the offender's parole plan because the offender is unable to find appropriate living arrangements.

After reviewing the comments provided the DOC made a change to the new rule in subsection (10). The proposed new rule required "suitable housing" to be both "sanitary and habitable". A commenter noted that the phrase could imply that the DOC or the landlord must obtain a formal, regulatory quality inspection before a housing unit could be rented under the voucher program. The DOC stated the comment was well taken because the DOC is not qualified or mandated to conduct a formal inspection of rental units. After considering alternative language the DOC deleted the phrase "sanitary and habitable" and did not replace it.

**Public Safety Officers Standards and Training Council (POST)**

MAR 2020 Issue No. 6 (March 27, 2019) MAR Notice No. 23-13-257

The POST council issued a NOTICE OF AMENDMENT regarding ARM 23.13.102, 23.13.206, 23.13.207, 23.13.208, 23.13.209, 23.13.210, 23.13.212, and 23.13.703.

The amended rules pertain to the certification of public safety officers. The proposed amendments to ARM 23.13.215 regarding firearms safety and ARM 23.13.702 regarding grounds for denial, sanction, suspension, or revocation of POST certification were modified based on public comment.

With respect to ARM 23.13.215, commenters stated that misdemeanor probation and pretrial services officers should not have to complete firearms proficiency requirements on an annual basis. The POST agreed and removed the requirement. Regarding ARM 23.13.702, commenters had concerns regarding the requirement to report minor offenses and concerning the overall requirement of having employing agencies report on their officers instead of having the employing agency determine what should happen to their employees.

In response the POST noted that it is the authority responsible for "suspension or revocation of certification". The POST did modify the amendments to ARM 23.13.215 to only require reporting "substantiated grounds" for discipline to the POST council and stated that the employing authority may wait until a final determination in a court or tribunal before the obligation to report is required.

### **Public Safety Officers Standards and Training Council (POST)**

MAR 2020 Issue No. 7 (April 17, 2019) MAR Notice No. 23-13-257

Subsequently, the POST issued a CORRECTED NOTICE OF AMENDMENT regarding MAR Notice 23-13-257 correcting clerical errors in the amendments to ARM 23.13.206 and ARM 23.13.207.