

HOUSE BILL NO. 138

INTRODUCED BY PETERSON, GAGE, NISBET,  
STRIZICH, CLARK, CODY

IN THE HOUSE

JANUARY 10, 1991           INTRODUCED AND REFERRED TO COMMITTEE  
ON STATE ADMINISTRATION.

JANUARY 11, 1991           FIRST READING.

JANUARY 23, 1991           COMMITTEE RECOMMEND BILL  
DO PASS AS AMENDED. REPORT ADOPTED.

JANUARY 24, 1991           PRINTING REPORT.

JANUARY 26, 1991           SECOND READING, DO PASS.

JANUARY 28, 1991           ENGROSSING REPORT.

JANUARY 30, 1991           THIRD READING, PASSED.  
AYES, 90; NOES, 8.

TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 31, 1991           INTRODUCED AND REFERRED TO COMMITTEE  
ON STATE ADMINISTRATION.

FIRST READING.

FEBRUARY 6, 1991           COMMITTEE RECOMMEND BILL BE  
CONCURRED IN. REPORT ADOPTED.

FEBRUARY 9, 1991           SECOND READING, CONCURRED IN.

FEBRUARY 11, 1991          THIRD READING, CONCURRED IN.  
AYES, 41; NOES, 7.

RETURNED TO HOUSE.

IN THE HOUSE

FEBRUARY 12, 1991          RECEIVED FROM SENATE.

FEBRUARY 21, 1991          SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *HOUSE* BILL NO. *138*  
 2 INTRODUCED BY *Peterson, Coy, Nidert, [Signature]*  
 3 *Coy*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH  
 5 QUALIFICATIONS FOR PUBLIC SAFETY COMMUNICATIONS OFFICERS; TO  
 6 ALLOW FOR CERTIFICATION OF PUBLIC SAFETY COMMUNICATIONS  
 7 OFFICERS; AMENDING SECTIONS 44-4-301 AND 44-4-302, MCA; AND  
 8 PROVIDING AN EFFECTIVE DATE."  
 9

10 STATEMENT OF INTENT

11 A statement of intent is required for this bill because  
 12 it grants authority to the board of crime control to adopt  
 13 rules establishing minimum qualifications and minimum  
 14 certification standards for public safety communications  
 15 officers. These rules should address the following:

- 16 (1) standards of physical, educational, mental, and  
 17 moral fitness governing the recruitment, selection,  
 18 appointment, and certification of public safety  
 19 communications officers;
- 20 (2) types of programs acceptable for meeting  
 21 certification standards;
- 22 (3) standards for determining programs to be approved  
 23 for fulfillment of the certification requirements, such as  
 24 adequacy of facilities and qualifications of instructors;
- 25 (4) number of hours of instruction, if any, required;

- 1 (5) contents of examination, if any, required; and
- 2 (6) attendance requirements, if any.

3 It is not the intent of this legislation that the board  
 4 of crime control be required to establish state-operated  
 5 training schools for public safety communications officers,  
 6 although the board may establish courses of study for public  
 7 safety communications officers at training schools already  
 8 administered by the state.  
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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 NEW SECTION. **Section 1. Definitions.** As used in  
 12 [sections 1 through 3], the following definitions apply:

- 13 (1) "Board" means the Montana board of crime control  
 14 provided for in 2-15-2006.
- 15 (2) "Public safety communications officer" means a  
 16 person who receives requests for emergency services, as  
 17 defined in 10-4-101, and dispatches the appropriate  
 18 emergency service units.

19 NEW SECTION. **Section 2. Qualifications for public**  
 20 **safety communications officers.** To be appointed a public  
 21 safety communications officer, a person:

- 22 (1) must be a citizen of the United States;
- 23 (2) must be at least 18 years of age;
- 24 (3) must be fingerprinted and a search must be made of  
 25 local, state, and national fingerprint files to disclose any



1 criminal record;

2 (4) may not have been convicted of a crime for which he  
3 could have been imprisoned in a federal or state  
4 penitentiary;

5 (5) must be of good moral character, as determined by a  
6 thorough background investigation;

7 (6) must be a high school graduate or have passed the  
8 general education development test and have been issued an  
9 equivalency certificate by the superintendent of public  
10 instruction or by an appropriate issuing agency of another  
11 state or of the federal government; and

12 (7) shall meet any additional qualifications  
13 established by the board.

14 NEW SECTION. **Section 3. Certification of public safety**  
15 **communications officers -- notification requirements.** (1) A  
16 local government may require that a person appointed as a  
17 public safety communications officer be certified by the  
18 board.

19 (2) The board shall determine the certification  
20 standards for public safety communications officers.

21 (3) A public safety communications officer who has  
22 successfully met the certification standards set by the  
23 board and the qualification requirements in [section 2] and  
24 who has completed a 6-month probationary term of employment  
25 must, upon application to the board, be issued a basic

1 public safety communications officer certificate.

2 (4) Within 10 days of the appointment, termination,  
3 resignation, or death of any public safety communications  
4 officer, written notice must be given to the board by the  
5 employing authority.

6 **Section 4.** Section 44-4-301, MCA, is amended to read:

7 **"44-4-301. Functions.** (1) As designated by the governor  
8 as the state planning agency under the Omnibus Crime Control  
9 and Safe Streets Act of 1968, as amended, the board of crime  
10 control shall perform the functions assigned to it under  
11 that act. The board shall also provide to criminal justice  
12 agencies technical assistance and supportive services that  
13 are approved by the board or assigned by the governor or  
14 legislature.

15 (2) The board shall have the authority to establish  
16 minimum qualifying standards for employment of peace  
17 officers, as defined in 7-32-303, detention officers, and  
18 detention center administrators, and public safety  
19 communications officers.

20 (3) The board shall have the authority to require basic  
21 training for officers, establish minimum standards for  
22 equipment and procedures and for advanced in-service  
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24 certification of public safety communications officers, and  
25 establish minimum standards for law enforcement and

1 detention officer training schools administered by the state  
2 or any of its political subdivisions or agencies, to insure  
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4 (4) The board may waive the minimum qualification  
5 standard for good cause shown."

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10 maintained by an appropriate entity for the purpose of  
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14 chief of police, administrator, superintendent, director, or  
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25 emergency service units.

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2 for the temporary detention of an arrested person for up to  
3 72 hours, excluding holidays, Saturdays, and Sundays. The  
4 period of time a person is held in temporary detention may  
5 not exceed 96 hours."

6 NEW SECTION. Section 6. Effective date. [This act] is  
7 effective July 1, 1991.

-End-

STATE OF MONTANA - FISCAL NOTE  
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0138, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

The proposed legislation would establish qualifications for public safety communications officers and would allow for certification of public safety communications officers. Public safety communications officer is defined as a person who receives requests for emergency services and dispatches the appropriate emergency service units.

ASSUMPTIONS:


1. Costs for developing standards for public communication officers will be minimal. The basic standards have been developed and the training program is in place at the Montana Law Enforcement Academy.
2. It is estimated that there are currently 250 public communication officers in the state.
3. Because obtaining certification would be voluntary, it is estimated that 50% of the communication officers will obtain the necessary training to become certified (250 X 50% = 125).
4. The time required to review and verify one public communication officer application for certification is estimated to be ten minutes.
5. It is assumed that the Board of Crime Control and Crime Control Division could perform these additional duties within the existing budget for Peace Officer Standards and Training. No additional funds are necessary under this assumption.

FISCAL IMPACT:

None.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Local governments may incur costs for sending their public communication officers to training. It may be possible for cities and counties to use the 9-1-1 surcharge funds received through the state emergency telecommunications account to pay for training costs within the limitations imposed by 10-4-303, MCA.

  
ROD SUNDSTED, BUDGET DIRECTOR      1-15-91      DATE  
Office of Budget and Program Planning

  
MARY LOU PETERSON, PRIMARY SPONSOR      1/16/91      DATE

Fiscal Note for HB0138, as introduced

HB 138

APPROVED BY COMMITTEE  
ON STATE ADMINISTRATION

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3 STRIZICH, CLARK, CODY

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21 (2) types of programs acceptable for meeting  
22 certification standards;

23 (3) standards for determining programs to be approved  
24 for fulfillment of the certification requirements, such as  
25 adequacy of facilities and qualifications of instructors;

1 (4) number of hours of instruction, if any, required;

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19 emergency service units, AND IS CERTIFIED UNDER [SECTION 3].

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2 criminal record;

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4 could have been imprisoned in a federal or state  
5 penitentiary;

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7 thorough background investigation;

8 (6) must be a high school graduate or have passed the  
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20 UNITS TO BE CERTIFIED BY THE BOARD as a public safety  
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5 (4)(5) "Temporary detention center" means a facility  
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THIRD READING



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REFERENCE BILL



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 9 standard for good cause shown."

10 **Section 5.** Section 44-4-302, MCA, is amended to read:

11 **"44-4-302. Definitions.** As used in 44-4-301 and this  
 12 section, the following definitions apply:

13 (1) "Detention center" means a facility established and  
 14 maintained by an appropriate entity for the purpose of  
 15 confining arrested persons or persons sentenced to a  
 16 detention center.

17 (2) "Detention center administrator" means the sheriff,  
 18 chief of police, administrator, superintendent, director, or  
 19 other individual serving as the chief executive officer of a  
 20 detention center or temporary detention center.

21 (3) "Detention officer" means a person or a peace  
 22 officer who has full-time or part-time authority and  
 23 responsibility for maintaining custody of inmates and who  
 24 performs tasks related to the operation of a detention  
 25 center or temporary detention center.

1 (4) "Public safety communications officer" means a  
 2 person who receives requests for emergency services, as  
 3 defined in 10-4-101, and dispatches the appropriate  
 4 emergency service units, AND IS CERTIFIED UNDER [SECTION 3].

5 ~~(4)~~(5) "Temporary detention center" means a facility  
 6 for the temporary detention of an arrested person for up to  
 7 72 hours, excluding holidays, Saturdays, and Sundays. The  
 8 period of time a person is held in temporary detention may  
 9 not exceed 96 hours."

10 **NEW SECTION. Section 6.** Effective date. [This act] is  
 11 effective July 1, 1991.

-End-