

SENATE BILL NO. 379

INTRODUCED BY VAN VALKENBURG, MENAHAN

IN THE SENATE

FEBRUARY 13, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON LABOR & EMPLOYMENT RELATIONS.

FIRST READING.

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

FEBRUARY 25, 1991 PRINTING REPORT.

ON MOTION, CONSIDERATION PASSED
FOR THE DAY.

FEBRUARY 26, 1991 SECOND READING, DO PASS.

ENGROSSING REPORT.

FEBRUARY 27, 1991 THIRD READING, PASSED.
AYES, 47; NOES, 0.

TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 4, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

FIRST READING.

APRIL 2, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

APRIL 6, 1991 SECOND READING, CONCURRED IN.

ON MOTION, RULES SUSPENDED. BILL
PLACED ON THIRD READING THIS DAY.

THIRD READING, CONCURRED IN.
AYES, 81; NOES, 15.

APRIL 8, 1991 ON MOTION, RETURNED FROM ENROLLING
TO ACT ON CORRECTED STANDING
COMMITTEE REPORT.

APRIL 9, 1991
SECOND READING, CONCURRED IN.
THIRD READING, CONCURRED IN.
AYES, 89; NOES, 8.
RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 9, 1991
RECEIVED FROM HOUSE.

APRIL 17, 1991
SECOND READING, AMENDMENTS NOT
CONCURRED IN.

APRIL 17, 1991
ON MOTION, CONFERENCE COMMITTEE
REQUESTED.

APRIL 18, 1991
CONFERENCE COMMITTEE APPOINTED.

IN THE HOUSE

APRIL 20, 1991
ON MOTION, CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 22, 1991
CONFERENCE COMMITTEE REPORTED.

APRIL 23, 1991
SECOND READING, CONFERENCE COMMITTEE
REPORT ADOPTED.

IN THE HOUSE

APRIL 23, 1991
CONFERENCE COMMITTEE REPORT
ADOPTED.

IN THE SENATE

APRIL 24, 1991
THIRD READING, CONFERENCE COMMITTEE
REPORT ADOPTED.
SENT TO ENROLLING.
REPORTED CORRECTLY ENROLLED.

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Senate BILL NO. *319*

INTRODUCED BY *W. H. Keating* *Montana*

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT PROBATION AND PAROLE OFFICERS APPOINTED BY THE DEPARTMENT OF INSTITUTIONS HAVE PEACE OFFICER STATUS; PROVIDING THAT PROBATION AND PAROLE OFFICERS SHALL EXERCISE THE POWERS OF PEACE OFFICERS, INCLUDING BUT NOT LIMITED TO THE POWERS OF SEARCH AND ARREST AND THE AUTHORITY TO CARRY FIREARMS; AND AMENDING SECTIONS 45-8-317, 46-1-201, AND 46-23-1002, MCA."

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

NEW SECTION. **Section 1.** Probation and parole officers

-- status as peace officers. Probation and parole officers have peace officer status and shall exercise the powers of peace officers in the enforcement of the criminal laws, including but not limited to conducting searches as provided by law and making arrests in accordance with Title 46, chapter 6.

Section 2. Section 46-1-201, MCA, is amended to read:

"46-1-201. **Definitions.** For the purposes of this title, the words and phrases described in this section have the meanings designated in this section, except when a particular context clearly requires a different meaning:

(1) "Charge" means a written statement presented to a

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court accusing a person of the commission of an offense and includes complaint, information, and indictment.

(2) "Conviction" means a judgment of conviction or sentence entered upon a plea of guilty or upon a verdict or finding of guilty of an offense rendered by a legally constituted jury or by a court of competent jurisdiction authorized to try the case without a jury.

(3) "Court" means a place where justice is judicially administered and includes a judge thereof of the court.

(4) "Judge" means a person who is invested by law with the power to perform judicial functions and includes court, justice of the peace, or city magistrate or municipal judge when a particular context so requires.

(5) "Judgment" means an adjudication by the court that the defendant is guilty or not guilty, and if the adjudication is that the defendant is guilty, it includes the sentence pronounced by the court.

(6) "Magistrate" is an officer having power to issue a warrant for the arrest of a person charged with an offense and includes:

- (a) the justices of the supreme court;
- (b) the judges of the district courts;
- (c) justices of the peace; and
- (d) city ~~magistrates--in--towns--or--cities~~ or municipal judges.

1 (7) "Offense" means a violation of any penal statute of
2 this state or of any ordinance of its political
3 subdivisions.

4 (8) "Peace officer" means any person who by virtue of
5 his office or public employment is vested by law with a duty
6 to maintain public order or to make arrests for offenses
7 while acting within the scope of his authority, including a
8 probation and parole officer appointed under 46-23-1002.

9 (9) "Sentence" is the punishment imposed on the
10 defendant by the court."

11 **Section 3.** Section 45-8-317, MCA, is amended to read:

12 "45-8-317. **Exceptions.** Section 45-8-316 does not apply
13 to:

14 (1) any peace officer of the state of Montana,
15 including a probation and parole officer appointed under
16 46-23-1002;

17 (2) any officer of the United States government
18 authorized to carry a concealed weapon;

19 (3) a person in actual service as a national guardsman;

20 (4) a person summoned to the aid of any of the persons
21 named in subsections (1) through (3);

22 (5) a civil officer or his deputy engaged in the
23 discharge of official business;

24 ~~(6) a probation and parole officer authorized to carry~~
25 ~~a firearm under 46-23-1002;~~

1 ~~(7)~~(6) a person authorized by a judge of a district
2 court of this state to carry a weapon; or

3 ~~(8)~~(7) the carrying of arms on one's own premises or at
4 one's home or place of business."

5 **Section 4.** Section 46-23-1002, MCA, is amended to read:

6 "46-23-1002. **Powers of the department.** The department
7 may:

8 (1) appoint probation and parole officers and other
9 employees necessary to administer this part;

10 (2) authorize probation and parole officers to carry
11 firearms, including concealed firearms, when--necessary as
12 allowed by law for other peace officers. ~~The department~~
13 ~~shall---adopt---rules---establishing---firearms---training~~
14 ~~requirements--and-procedures-for-authorizing-the-carrying-of~~
15 ~~firearms-~~

16 (3) adopt rules for the conduct of persons placed on
17 parole or probation, except that the department may not make
18 any rule conflicting with conditions of parole imposed by
19 the board or conditions of probation imposed by a court."

20 NEW SECTION. **Section 5.** Codification instruction.

21 [Section 1] is intended to be codified as an integral part
22 of Title 46, chapter 23, part 10, and the provisions of
23 Title 46, chapter 23, part 10, apply to [section 1].

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0379, second reading.

DESCRIPTION OF PROPOSED LEGISLATION:

An act providing that probation and parole officers appointed by the Department of Institutions have peace officer status; providing that probation and parole officers shall exercise the powers of peace officers, including but not limited to the powers of search and arrest and the authority to carry firearms; authorizing the Board of Crime Control to establish minimum standards of training for probation and parole officers.

ASSUMPTIONS:

Department of Institutions:

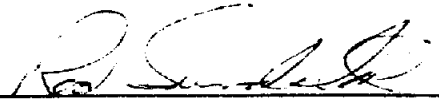
1. This bill changes the status of probation and parole officers to peace officers and this will affect personal services costs by increasing workers' compensation rates.
2. This bill gives probation and parole officers the powers of peace officers.
3. This bill authorizes the Board of Crime Control to adopt minimum standards for training which will cost \$16,225 the first year and about \$1,475 per year thereafter for the Montana Law Enforcement Academy.

Board of Crime Control:

4. A twelve-member committee will be formed to establish the minimum standards for training of probation officers.
5. The committee will hold 6 meetings to promulgate the standards during FY92.
6. The majority of the costs will be for travel of committee members to attend meetings the first year of the biennium.

FISCAL IMPACT:

see next page


ROD SUNDSTED, BUDGET DIRECTOR
Office of Budget and Program Planning

DATE

2-26-91

FRED R. VAN VALKENBURG, PRIMARY SPONSOR

DATE

2-27-91

Fiscal Note for SB0379, second reading

SB 379

FISCAL IMPACT :

Department of Institutions:

	FY '92			FY '93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
Personal Services	0	48,675	48,675	0	48,675	48,675
Operating Cost	0	16,225	16,225	0	1,475	1,475
Total	0	64,900	64,900	0	50,150	50,150
<u>Funding:</u>						
General Fund	0	64,900	64,900	0	50,150	50,150
 <u>Board of Crime Control:</u>						
Personal Services (per diem)	0	300	300	0	0	0
Debt Service	0	6,279	6,279	0	100	100
Total	0	6,579	6,579	0	100	100
<u>Funding:</u>						
General Fund	0	6,579	6,579	0	100	100
 General Fund Impact			(71,479)			(50,250)

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

There will be tuition charges paid by the Department of Institutions for probation and parole officers attending initial and ongoing training, as well as ongoing workers' compensation rate increases.

APPROVED BY COMMITTEE
ON LABOR & EMPLOYMENT
RELATIONS

SENATE BILL NO. 379

INTRODUCED BY VAN VALKENBURG, MENAHAN

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT PROBATION AND PAROLE OFFICERS APPOINTED BY THE DEPARTMENT OF INSTITUTIONS HAVE PEACE OFFICER STATUS; PROVIDING THAT PROBATION AND PAROLE OFFICERS SHALL EXERCISE THE POWERS OF PEACE OFFICERS, INCLUDING BUT NOT LIMITED TO THE POWERS OF SEARCH AND ARREST AND THE AUTHORITY TO CARRY FIREARMS; AUTHORIZING THE BOARD OF CRIME CONTROL TO ESTABLISH MINIMUM STANDARDS OF TRAINING FOR PROBATION AND PAROLE OFFICERS; AND AMENDING SECTIONS 44-4-301, 45-8-317, 46-1-201, AND 46-23-1002, AND 46-23-1003, MCA."

STATEMENT OF INTENT

A STATEMENT OF INTENT IS REQUIRED FOR THIS BILL BECAUSE [SECTION 5] GRANTS THE BOARD OF CRIME CONTROL AUTHORITY TO ADOPT MINIMUM STANDARDS FOR TRAINING OF PROBATION AND PAROLE OFFICERS.

IT IS THE INTENT OF THE LEGISLATURE THAT STANDARDS FOR TRAINING PROVIDE 2 WEEKS OF TRAINING FOR PROBATION AND PAROLE OFFICERS. TRAINING SHOULD INCLUDE COURSES IN SUBJECTS RELATING TO INVESTIGATIONS AND ARRESTS PERFORMED BY PROBATION AND PAROLE OFFICERS WITHIN THE SCOPE OF THEIR DUTIES UNDER TITLE 46, CHAPTER 23, PART 10.

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

NEW SECTION. Section 1. Probation and parole officers -- status as peace officers. Probation and parole officers have peace officer status and shall, WITHIN THE SCOPE OF THEIR DUTIES UNDER THIS PART, exercise the powers of peace officers in the enforcement of the criminal laws, including but not limited to conducting searches as provided by law and making arrests in accordance with Title 46, chapter 6.

Section 2. Section 46-1-201, MCA, is amended to read:

"46-1-201. Definitions. For the purposes of this title, the words and phrases described in this section have the meanings designated in this section, except when a particular context clearly requires a different meaning:

(1) "Charge" means a written statement presented to a court accusing a person of the commission of an offense and includes complaint, information, and indictment.

(2) "Conviction" means a judgment of conviction or sentence entered upon a plea of guilty or upon a verdict or finding of guilty of an offense rendered by a legally constituted jury or by a court of competent jurisdiction authorized to try the case without a jury.

(3) "Court" means a place where justice is judicially administered and includes a judge thereof of the court.

(4) "Judge" means a person who is invested by law with

1 the power to perform judicial functions and includes court,
2 justice of the peace, or city magistrate or municipal judge
3 when a particular context so requires.

4 (5) "Judgment" means an adjudication by the court that
5 the defendant is guilty or not guilty, and if the
6 adjudication is that the defendant is guilty, it includes
7 the sentence pronounced by the court.

8 (6) "Magistrate" is an officer having power to issue a
9 warrant for the arrest of a person charged with an offense
10 and includes:

- 11 (a) the justices of the supreme court;
- 12 (b) the judges of the district courts;
- 13 (c) justices of the peace; and
- 14 (d) ~~city magistrates-in-towns-or--cities~~ or municipal
15 judges.

16 (7) "Offense" means a violation of any penal statute of
17 this state or of any ordinance of its political
18 subdivisions.

19 (8) "Peace officer" means any person who by virtue of
20 his office or public employment is vested by law with a duty
21 to maintain public order or to make arrests for offenses
22 while acting within the scope of his authority, including a
23 probation and parole officer appointed under 46-23-1002.

24 (9) "Sentence" is the punishment imposed on the
25 defendant by the court."

1 **Section 3.** Section 45-8-317, MCA, is amended to read:

2 "45-8-317. **Exceptions.** Section 45-8-316 does not apply
3 to:

4 (1) any peace officer of the state of Montana,
5 including a probation and parole officer appointed under
6 46-23-1002;

7 (2) any officer of the United States government
8 authorized to carry a concealed weapon;

9 (3) a person in actual service as a national guardsman;

10 (4) a person summoned to the aid of any of the persons
11 named in subsections (1) through (3);

12 (5) a civil officer or his deputy engaged in the
13 discharge of official business;

14 ~~(6)--a-probation-and-parole-officer-authorized-to--carry~~
15 ~~a-firearm-under-46-23-1002;~~

16 ~~(7)~~(6) a person authorized by a judge of a district
17 court of this state to carry a weapon; or

18 ~~(8)~~(7) the carrying of arms on one's own premises or at
19 one's home or place of business."

20 **Section 4.** Section 46-23-1002, MCA, is amended to read:

21 "46-23-1002. **Powers of the department.** The department
22 may:

23 (1) appoint probation and parole officers and other
24 employees necessary to administer this part;

25 (2) authorize probation and parole officers to carry

1 firearms, including concealed firearms, when-necessary as
 2 allowed by law for other peace officers. The--department
 3 ~~shall---adopt---rules---establishing---firearms---training~~
 4 ~~requirements-and-procedures-for-authorizing-the-carrying--of~~
 5 ~~firearms.~~

6 (3) adopt rules for the conduct of persons placed on
 7 parole or probation, except that the department may not make
 8 any rule conflicting with conditions of parole imposed by
 9 the board or conditions of probation imposed by a court."

10 **SECTION 5.** SECTION 44-4-301, MCA, IS AMENDED TO READ:

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

19 (2) The board shall have the authority to establish
 20 minimum qualifying standards for employment of peace
 21 officers, as defined in 7-32-303, detention officers, and
 22 detention center administrators.

23 (3) The board shall have the authority to require basic
 24 training for officers, establish minimum standards for
 25 equipment and procedures and for advanced in-service

1 training for officers, and establish minimum standards for
 2 law enforcement and detention officer training schools
 3 administered by the state or any of its political
 4 subdivisions or agencies, to insure the public health,
 5 welfare, and safety.

6 (4) The board may waive the minimum qualification
 7 standard provided in subsection (2) for good cause shown.

8 (5) The board may establish minimum standards for
 9 training of probation and parole officers, pursuant to
 10 46-23-1003."

11 **SECTION 6.** SECTION 46-23-1003, MCA, IS AMENDED TO READ:

12 "46-23-1003. Qualifications of probation and parole
 13 officers. (1) Probation and parole officers shall have at
 14 least a college degree and some formal training in
 15 behavioral sciences. Exceptions to this rule must be
 16 approved by the department. Related work experience in the
 17 areas listed in 2-15-2302(2) may be substituted for
 18 educational requirements at the rate of 1 year of experience
 19 for 9 months formal education if approved by the department.
 20 All present employees will be exempt from this requirement
 21 but are encouraged to further their education at the
 22 earliest opportunity.

23 (2) Each probation and parole officer must, through a
 24 source approved by his employer, obtain 16 hours a year of
 25 training in subjects relating to the powers and duties of

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1 probation officers. In addition, each probation and parole
2 officer must receive training in accordance with standards
3 adopted by the board of crime control, as provided in
4 44-4-301."

5 NEW SECTION. Section 7. Codification instruction.
6 [Section 1] is intended to be codified as an integral part
7 of Title 46, chapter 23, part 10, and the provisions of
8 Title 46, chapter 23, part 10, apply to [section 1].

-End-

1 SENATE BILL NO. 379

2 INTRODUCED BY VAN VALKENBURG, MENAHAN

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT
5 PROBATION AND PAROLE OFFICERS APPOINTED BY THE DEPARTMENT OF
6 INSTITUTIONS HAVE PEACE OFFICER STATUS; PROVIDING THAT
7 PROBATION AND PAROLE OFFICERS SHALL EXERCISE THE POWERS OF
8 PEACE OFFICERS, INCLUDING BUT NOT LIMITED TO THE POWERS OF
9 SEARCH AND ARREST AND THE AUTHORITY TO CARRY FIREARMS;
10 AUTHORIZING THE BOARD OF CRIME CONTROL TO ESTABLISH MINIMUM
11 STANDARDS OF TRAINING FOR PROBATION AND PAROLE OFFICERS; AND
12 AMENDING SECTIONS 44-4-301, 45-8-317, 46-1-201, AND
13 46-23-1002, AND 46-23-1003, MCA."

14
15 STATEMENT OF INTENT

16 A STATEMENT OF INTENT IS REQUIRED FOR THIS BILL BECAUSE
17 {SECTION 5} GRANTS THE BOARD OF CRIME CONTROL AUTHORITY TO
18 ADOPT MINIMUM STANDARDS FOR TRAINING OF PROBATION AND PAROLE
19 OFFICERS.

20 IT IS THE INTENT OF THE LEGISLATURE THAT STANDARDS FOR
21 TRAINING PROVIDE 2 WEEKS OF TRAINING FOR PROBATION AND
22 PAROLE OFFICERS. TRAINING SHOULD INCLUDE COURSES IN SUBJECTS
23 RELATING TO INVESTIGATIONS AND ARRESTS PERFORMED BY
24 PROBATION AND PAROLE OFFICERS WITHIN THE SCOPE OF THEIR
25 DUTIES UNDER TITLE 46, CHAPTER 23, PART 10.

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

3 NEW SECTION. Section 1. Probation and parole officers
4 -- status as peace officers. Probation and parole officers
5 have peace officer status and shall, WITHIN THE SCOPE OF
6 THEIR DUTIES UNDER THIS PART, exercise the powers of peace
7 officers in the enforcement of the criminal laws, including
8 but not limited to conducting searches as provided by law
9 and making arrests in accordance with Title 46, chapter 6.

10 Section 2. Section 46-1-201, MCA, is amended to read:

11 "46-1-201. Definitions. For the purposes of this title,
12 the words and phrases described in this section have the
13 meanings designated in this section, except when a
14 particular context clearly requires a different meaning:

15 (1) "Charge" means a written statement presented to a
16 court accusing a person of the commission of an offense and
17 includes complaint, information, and indictment.

18 (2) "Conviction" means a judgment of conviction or
19 sentence entered upon a plea of guilty or upon a verdict or
20 finding of guilty of an offense rendered by a legally
21 constituted jury or by a court of competent jurisdiction
22 authorized to try the case without a jury.

23 (3) "Court" means a place where justice is judicially
24 administered and includes a judge thereof of the court.

25 (4) "Judge" means a person who is invested by law with

1 the power to perform judicial functions and includes court,
2 justice of the peace, or city magistrate or municipal judge
3 when a particular context so requires.

4 (5) "Judgment" means an adjudication by the court that
5 the defendant is guilty or not guilty, and if the
6 adjudication is that the defendant is guilty, it includes
7 the sentence pronounced by the court.

8 (6) "Magistrate" is an officer having power to issue a
9 warrant for the arrest of a person charged with an offense
10 and includes:

- 11 (a) the justices of the supreme court;
- 12 (b) the judges of the district courts;
- 13 (c) justices of the peace; and
- 14 (d) ~~city magistrates-in-towns-or--cities~~ or municipal
15 judges.

16 (7) "Offense" means a violation of any penal statute of
17 this state or of any ordinance of its political
18 subdivisions.

19 (8) "Peace officer" means any person who by virtue of
20 his office or public employment is vested by law with a duty
21 to maintain public order or to make arrests for offenses
22 while acting within the scope of his authority, including a
23 probation and parole officer appointed under 46-23-1002.

24 (9) "Sentence" is the punishment imposed on the
25 defendant by the court."

1 **Section 3.** Section 45-8-317, MCA, is amended to read:

2 "45-8-317. **Exceptions.** Section 45-8-316 does not apply
3 to:

4 (1) any peace officer of the state of Montana,
5 including a probation and parole officer appointed under
6 46-23-1002;

7 (2) any officer of the United States government
8 authorized to carry a concealed weapon;

9 (3) a person in actual service as a national guardsman;

10 (4) a person summoned to the aid of any of the persons
11 named in subsections (1) through (3);

12 (5) a civil officer or his deputy engaged in the
13 discharge of official business;

14 ~~(6) a probation and parole officer authorized to carry~~
15 ~~a firearm under 46-23-1002;~~

16 ~~(7)~~(6) a person authorized by a judge of a district
17 court of this state to carry a weapon; or

18 ~~(8)~~(7) the carrying of arms on one's own premises or at
19 one's home or place of business."

20 **Section 4.** Section 46-23-1002, MCA, is amended to read:

21 "46-23-1002. **Powers of the department.** The department
22 may:

23 (1) appoint probation and parole officers and other
24 employees necessary to administer this part;

25 (2) authorize probation and parole officers to carry

1 firearms, including concealed firearms, when-necessary as
 2 allowed by law for other peace officers. ~~The--department~~
 3 ~~shall---adopt---rules---establishing---firearms---training~~
 4 ~~requirements-and-procedures-for-authorizing-the-carrying--of~~
 5 ~~firearms-~~

6 (3) adopt rules for the conduct of persons placed on
 7 parole or probation, except that the department may not make
 8 any rule conflicting with conditions of parole imposed by
 9 the board or conditions of probation imposed by a court."

10 **SECTION 5.** SECTION 44-4-301, MCA, IS AMENDED TO READ:

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

19 (2) The board shall have the authority to establish
 20 minimum qualifying standards for employment of peace
 21 officers, as defined in 7-32-303, detention officers, and
 22 detention center administrators.

23 (3) The board shall have the authority to require basic
 24 training for officers, establish minimum standards for
 25 equipment and procedures and for advanced in-service

1 training for officers, and establish minimum standards for
 2 law enforcement and detention officer training schools
 3 administered by the state or any of its political
 4 subdivisions or agencies, to insure the public health,
 5 welfare, and safety.

6 (4) The board may waive the minimum qualification
 7 standard provided in subsection (2) for good cause shown.

8 (5) The board may establish minimum standards for
 9 training of probation and parole officers, pursuant to
 10 46-23-1003."

11 **SECTION 6.** SECTION 46-23-1003, MCA, IS AMENDED TO READ:

12 **"46-23-1003. Qualifications of probation and parole**
 13 **officers.** (1) Probation and parole officers shall have at
 14 least a college degree and some formal training in
 15 behavioral sciences. Exceptions to this rule must be
 16 approved by the department. Related work experience in the
 17 areas listed in 2-15-2302(2) may be substituted for
 18 educational requirements at the rate of 1 year of experience
 19 for 9 months formal education if approved by the department.
 20 All present employees will be exempt from this requirement
 21 but are encouraged to further their education at the
 22 earliest opportunity.

23 (2) Each probation and parole officer must, through a
 24 source approved by his employer, obtain 16 hours a year of
 25 training in subjects relating to the powers and duties of

1 probation officers. In addition, each probation and parole
2 officer must receive training in accordance with standards
3 adopted by the board of crime control, as provided in
4 44-4-301."

5 NEW SECTION. Section 7. Codification instruction.

6 [Section 1] is intended to be codified as an integral part
7 of Title 46, chapter 23, part 10, and the provisions of
8 Title 46, chapter 23, part 10, apply to [section 1].

-End-


HOUSE STANDING COMMITTEE REPORT

April 1, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that Senate Bill 379 (third reading copy -- blue) be concurred in as amended .

Signed: 
Bill Strizich, Chairman

CARRIED BY: 

And, that such amendments read:

Amend House Judiciary Committee Report dated March 21, 1991, as follows:

Amendment No. 1, 4, 5, and 9

Strike: Amendment No. 1, 4, 5, and 9

Amendment No. 8

In the first line of the insert, following "Section"

Strike: "4"

Insert: "7"

Following: the new section inserted by Amendment No. 8 and before the line reading "Renumber: subsequent sections" that appears at the end of Amendment No. 8, insert: "NEW SECTION. Section 8. Coordination instruction. If Senate Bill No. 51 is passed and approved and if it repeals 46-1-201, then [section 2 of this act], amending 46-1-201, is void."

Amend the third reading copy of the bill as follows:

1. Page 7, line 6.

Strike: "Section 1"

Insert: "Sections 1 and 7"

2. Page 7, line 9.

Strike: "section 1"

Insert: "sections 1 and 7"

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HOUSE

HOUSE STANDING COMMITTEE REPORT

April 8, 1991
Page 2 of 2

April 8, 1991

Page 1 of 2

Corrected Copy

Mr. Speaker: We, the committee on Judiciary report that
Senate Bill 379 (third reading copy ~~in blue~~) be concurred in
as amended .

Signed: 
Bill Strizich, Chairman

Carried by: Rep. McCarthy

And, that such amendments read:

1. Title, lines 4 through 9.
Strike: "PROVIDING" on line 4 through "AUTHORITY" on line 9
Insert: "RELATING TO THE AUTHORITY OF PROBATION AND PAROLE
OFFICERS"
2. Title, line 10.
Strike: "AUTHORIZING"
Insert: "REQUIRING"
3. Title, line 11.
Following: "OFFICERS"
Insert: "AND REQUIRING THE OFFICERS TO RECEIVE THE TRAINING"
Following: " ; "
Insert: "PROVIDING A DISABILITY BENEFIT FOR PROBATION AND PAROLE
OFFICERS INJURED ON THE JOB AND UNABLE TO RETURN TO WORK;"
4. Title, line 12.
Strike: "45-8-317, 46-1-201,"
5. Page 2, line 3 through page 4, line 19.
Strike: sections 1 through 3 in their entirety
Renumber: subsequent sections
6. Page 6, line 8.
Strike: "may"
Insert: "shall"
7. Page 7, line 4.
Following: "44-4-301."
Insert: "The training must be at the Montana law enforcement
academy unless the board finds that training at some other
place is more appropriate."

8. Page 7.

Following: line 4

Insert: "NEW SECTION. Section 4. Payment of partial salary to
probation or parole officer injured in performance of duty.
(1) A probation or parole officer who is injured in the
performance of duty must be paid by the department of
institutions at the times he would have otherwise received
his paychecks. He must receive his salary minus amounts
equal to income taxes that he need not pay due to the injury
and minus any amount received from workers' compensation
until he is able to return to work, as determined under the
workers' compensation laws, or for a period not to exceed 1
year, whichever occurs first.
(2) To qualify for the payments provided for in
subsection (1), the probation or parole officer must require
medical or other remedial treatment and must be incapable of
performing his duties as a result of the injury."

Renumber: subsequent section

9. Page 7, lines 6 and 8.

Strike: "1"
Insert: "4"

SENATE BILL NO. 379

INTRODUCED BY VAN VALKENBURG, MENAHAN

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING--THAT PROBATION-AND-PAROLE-OFFICERS-APPOINTED-BY-THE-DEPARTMENT-OF INSTITUTIONS--HAVE--PEACE--OFFICER--STATUS,--PROVIDING--THAT PROBATION-AND-PAROLE-OFFICERS-SHALL-EXERCISE-THE--POWERS--OF PEACE--OFFICERS,--INCLUDING-BUT-NOT-LIMITED-TO-THE-POWERS-OF SEARCH--AND--ARREST--AND--THE--AUTHORITY RELATING TO THE AUTHORITY OF PROBATION AND PAROLE OFFICERS TO CARRY FIREARMS; AUTHORISING REQUIRING THE BOARD OF CRIME CONTROL TO ESTABLISH MINIMUM STANDARDS OF TRAINING FOR PROBATION AND PAROLE OFFICERS AND REQUIRING THE OFFICERS TO RECEIVE THE TRAINING; PROVIDING A DISABILITY BENEFIT FOR PROBATION AND PAROLE OFFICERS INJURED ON THE JOB AND UNABLE TO RETURN TO WORK; AND AMENDING SECTIONS 44-4-301, 45-8-317, 46-1-201, AND 46-23-1002, AND 46-23-1003, MCA."

STATEMENT OF INTENT

A STATEMENT OF INTENT IS REQUIRED FOR THIS BILL BECAUSE [SECTION 5] GRANTS THE BOARD OF CRIME CONTROL AUTHORITY TO ADOPT MINIMUM STANDARDS FOR TRAINING OF PROBATION AND PAROLE OFFICERS.

IT IS THE INTENT OF THE LEGISLATURE THAT STANDARDS FOR TRAINING PROVIDE 2 WEEKS OF TRAINING FOR PROBATION AND

PAROLE OFFICERS. TRAINING SHOULD INCLUDE COURSES IN SUBJECTS RELATING TO INVESTIGATIONS AND ARRESTS PERFORMED BY PROBATION AND PAROLE OFFICERS WITHIN THE SCOPE OF THEIR DUTIES UNDER TITLE 46, CHAPTER 23, PART 10.

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

NEW-SECTION,--Section-1,--Probation-and-parole--officers
~~-----status--as-peace-officers;--Probation-and-parole-officers~~
~~have-peace-officer-status-and-shall;--WITHIN--THE--SCOPE--OF~~
~~THEIR--DUTIES--UNDER-THIS-PART;--exercise-the-powers-of-peace~~
~~officers-in-the-enforcement-of-the-criminal-laws;--including~~
~~but--not--limited--to-conducting-searches-as-provided-by-law~~
~~and-making-arrests-in-accordance-with-Title-46;--chapter-6;~~

Section-2,--Section-46-1-201,--MCA,--is-amended-to-read:

"46-1-201,--Definitions.--For-the-purposes-of-this-title, the-words-and-phrases-described-in--this--section--have--the meanings--designated--in--this--section,--except--when--a particular-context-clearly-requires-a-different-meaning:

{1}--"Charge"--means-a-written-statement-presented--to--a court--accusing-a-person-of-the-commission-of-an-offense-and includes-complaint,--information,--and-indictment;

{2}--"Conviction"--means--a--judgment--of--conviction--or sentence--entered-upon-a-plea-of-guilty-or-upon-a-verdict-or finding-of-guilty--of--an--offense--rendered--by--a--legally constituted--jury--or--by--a-court-of-competent-jurisdiction



1 authorized-to-try-the-case-without-a-jury.
 2 (3)--"Court"--means-a-place-where-justice-is-judicially
 3 administered-and-includes-a-judge-thereof of-the-court;
 4 (4)--"Judge"--means-a-person-who-is-invested-by-law-with
 5 the-power-to-perform-judicial-functions-and-includes--court,
 6 justice--of-the-peace, or-city-magistrate or-municipal-judge
 7 when-a-particular-context-so-requires;
 8 (5)--"Judgment"--means-an-adjudication-by-the-court--that
 9 the--defendant--is-guilty--or--not-guilty,--and--if--the
 10 adjudication-is-that-the-defendant-is-guilty,--it--includes
 11 the-sentence-pronounced-by-the-court;
 12 (6)--"Magistrate"--is-an-officer-having-power-to-issue-a
 13 warrant-for-the-arrest-of-a-person-charged-with--an--offense
 14 and-includes:
 15 (a)--the-justices-of-the-supreme-court;
 16 (b)--the-judges-of-the-district-courts;
 17 (c)--justices-of-the-peace; and
 18 (d)--city-magistrates--in--towns-or-cities or-municipal
 19 judges;
 20 (7)--"Offense"--means-a-violation-of-any-penal-statute-of
 21 this--state--or--of--any--ordinance--of--its--political
 22 subdivisions;
 23 (8)--"Peace-officer"--means-any-person-who-by-virtue-of
 24 his-office-or-public-employment-is-vested-by-law-with-a-duty
 25 to-maintain-public-order-or-to--make--arrests--for--offenses

1 while--acting-within-the-scope-of-his-authority, including-a
 2 probation-and-parole-officer-appointed-under-46-23-1002;
 3 (9)--"Sentence"--is-the-punishment--imposed---on---the
 4 defendant-by-the-court;"
 5 Section-3,--Section-45-8-317-MCA--is-amended-to-read:
 6 "45-8-317.--Exceptions.--Section-45-8-316-does-not-apply
 7 to:
 8 (1)--any--peace--officer--of--the--state---of---Montana;
 9 including--a--probation--and--parole-officer-appointed-under
 10 46-23-1002;
 11 (2)--any--officer--of--the--United---States---government
 12 authorized-to-carry-a-concealed-weapon;
 13 (3)--a-person-in-actual-service-as-a-national-guardsmen;
 14 (4)--a--person-summoned-to-the-aid-of-any-of-the-persons
 15 named-in-subsections-(1)-through-(3);
 16 (5)--a-civil--officer--or--his--deputy--engaged--in--the
 17 discharge-of-official-business;
 18 (6)--a--probation-and-parole-officer-authorized-to-carry
 19 a-firearm-under-46-23-1002;
 20 (7)(6)--a-person-authorized-by-a--judge--of--a--district
 21 court-of-this-state-to-carry-a-weapon; or
 22 (8)(7)--the-carrying-of-arms-on-one's-own-premises-or-at
 23 one's-home-or-place-of-business."
 24 **Section 1.** Section 46-23-1002, MCA, is amended to read:
 25 "46-23-1002. Powers of the department. The department

1 may:

2 (1) appoint probation and parole officers and other
3 employees necessary to administer this part;

4 (2) authorize probation and parole officers to carry
5 firearms, including concealed firearms, when--necessary as
6 allowed by law for other peace officers. ~~The department~~
7 ~~shall---adopt---rules---establishing---firearms---training~~
8 ~~requirements--and-procedures-for-authorizing-the-carrying-of~~
9 ~~firearms.~~

10 (3) adopt rules for the conduct of persons placed on
11 parole or probation, except that the department may not make
12 any rule conflicting with conditions of parole imposed by
13 the board or conditions of probation imposed by a court."

14 **SECTION 2. SECTION 44-4-301, MCA, IS AMENDED TO READ:**

15 "44-4-301. Functions. (1) As designated by the governor
16 as the state planning agency under the Omnibus Crime Control
17 and Safe Streets Act of 1968, as amended, the board of crime
18 control shall perform the functions assigned to it under
19 that act. The board shall also provide to criminal justice
20 agencies technical assistance and supportive services that
21 are approved by the board or assigned by the governor or
22 legislature.

23 (2) The board shall have the authority to establish
24 minimum qualifying standards for employment of peace
25 officers, as defined in 7-32-303, detention officers, and

1 detention center administrators.

2 (3) The board shall have the authority to require basic
3 training for officers, establish minimum standards for
4 equipment and procedures and for advanced in-service
5 training for officers, and establish minimum standards for
6 law enforcement and detention officer training schools
7 administered by the state or any of its political
8 subdivisions or agencies, to insure the public health,
9 welfare, and safety.

10 (4) The board may waive the minimum qualification
11 standard provided in subsection (2) for good cause shown.

12 (5) The board may SHALL establish minimum standards for
13 training of probation and parole officers, pursuant to
14 46-23-1003."

15 **SECTION 3. SECTION 46-23-1003, MCA, IS AMENDED TO READ:**

16 "46-23-1003. Qualifications of probation and parole
17 officers. (1) Probation and parole officers shall have at
18 least a college degree and some formal training in
19 behavioral sciences. Exceptions to this rule must be
20 approved by the department. Related work experience in the
21 areas listed in 2-15-2302(2) may be substituted for
22 educational requirements at the rate of 1 year of experience
23 for 9 months formal education if approved by the department.
24 All present employees will be exempt from this requirement
25 but are encouraged to further their education at the

1 earliest opportunity.

2 (2) Each probation and parole officer must, through a
3 source approved by his employer, obtain 16 hours a year of
4 training in subjects relating to the powers and duties of
5 probation officers. In addition, each probation and parole
6 officer must receive training in accordance with standards
7 adopted by the board of crime control, as provided in
8 44-4-301. THE TRAINING MUST BE AT THE MONTANA LAW
9 ENFORCEMENT ACADEMY UNLESS THE BOARD FINDS THAT TRAINING AT
10 SOME OTHER PLACE IS MORE APPROPRIATE."

11 NEW SECTION. SECTION 4. PAYMENT OF PARTIAL SALARY TO
12 PROBATION OR PAROLE OFFICER INJURED IN PERFORMANCE OF DUTY.
13 (1) A PROBATION OR PAROLE OFFICER WHO IS INJURED IN THE
14 PERFORMANCE OF DUTY MUST BE PAID BY THE DEPARTMENT OF
15 INSTITUTIONS AT THE TIMES HE WOULD HAVE OTHERWISE RECEIVED
16 HIS PAYCHECKS. HE MUST RECEIVE HIS SALARY MINUS AMOUNTS
17 EQUAL TO INCOME TAXES THAT HE NEED NOT PAY DUE TO THE INJURY
18 AND MINUS ANY AMOUNT RECEIVED FROM WORKERS' COMPENSATION
19 UNTIL HE IS ABLE TO RETURN TO WORK, AS DETERMINED UNDER THE
20 WORKERS' COMPENSATION LAWS, OR FOR A PERIOD NOT TO EXCEED 1
21 YEAR, WHICHEVER OCCURS FIRST.

22 (2) TO QUALIFY FOR THE PAYMENTS PROVIDED FOR IN
23 SUBSECTION (1), THE PROBATION OR PAROLE OFFICER MUST REQUIRE
24 MEDICAL OR OTHER REMEDIAL TREATMENT AND MUST BE INCAPABLE OF
25 PERFORMING HIS DUTIES AS A RESULT OF THE INJURY.

1 NEW SECTION. Section 5. Codification instruction.
2 [Section \pm 4] is intended to be codified as an integral part
3 of Title 46, chapter 23, part 10, and the provisions of
4 Title 46, chapter 23, part 10, apply to [section \pm 4].

-End-

Conference Committee
on Senate Bill No. 379
Report No. 1, April 22, 1991

Page 1 of 1

Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Bill No. 379, met and considered the House Judiciary Standing Committee Report amendments dated April 8, 1991.

We recommend that Senate Bill No. 379 (reference copy - salmon) be amended as follows:

1. Title, lines 9 through 11.

Strike: "RELATING" on line 9 through "FIREARMS;" on line 11.

2. Title, lines 14 through 16.

Strike: "PROVIDING" on line 14 through "WORK;" on line 16

3. Title, line 16.

Following: "44-4-301"

Strike: "1"

4. Title, line 17.

Strike: "46-23-1002,"

5. Page 4, line 24 through page 5, line 13.

Strike: Section 1 in its entirety.

Renumber: subsequent sections

6. Page 7, lines 11 through 25.

Strike: Section 4 in its entirety.


7. Page 8, lines 1 through 4..


Strike: Section 5 in its entirety.

And that this Conference Committee report be adopted.


For the Senate:


Chair, Sen. Valkenburg


Sen. Friez


Sen. Beck


And. Coord.

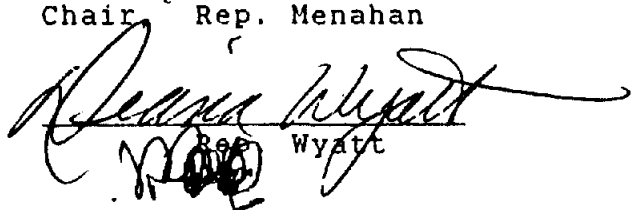

Sec. of Senate


ADOPT

REJECT

For the House:


Chair, Rep. Menahan


Rep. Wyatt


Rep. Gould

CCR # 1
SB 379

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SENATE BILL NO. 379

INTRODUCED BY VAN VALKENBURG, MENAHAN

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING--THAT PROBATION-AND-PAROLE-OFFICERS-APPOINTED-BY-THE-DEPARTMENT-OF INSTITUTIONS--HAVE--PEACE--OFFICER--STATUS;--PROVIDING--THAT PROBATION-AND-PAROLE-OFFICERS-SHALL-EXERCISE-THE--POWERS--OF PEACE--OFFICERS,--INCLUDING-BUT-NOT-LIMITED-TO-THE-POWERS-OF SEARCH--AND--ARREST--AND--THE--AUTHORITY RELATING--TO--THE AUTHORITY--OF--PROBATION--AND--PAROLE--OFFICERS TO--CARRY FIREARMS; AUTHORIZING REQUIRING THE BOARD OF CRIME CONTROL TO ESTABLISH MINIMUM STANDARDS OF TRAINING FOR PROBATION AND PAROLE OFFICERS AND REQUIRING THE OFFICERS TO RECEIVE THE TRAINING; PROVIDING-A-DISABILITY-BENEFIT-FOR--PROBATION--AND PAROLE--OFFICERS--INJURED-ON-THE-JOB-AND-UNABLE-TO-RETURN-TO WORK; AND AMENDING SECTIONS 44-4-301, 45-8-317, 46-1-201, AND 46-23-1002, AND 46-23-1003, MCA."

STATEMENT OF INTENT

A STATEMENT OF INTENT IS REQUIRED FOR THIS BILL BECAUSE [SECTION 5] GRANTS THE BOARD OF CRIME CONTROL AUTHORITY TO ADOPT MINIMUM STANDARDS FOR TRAINING OF PROBATION AND PAROLE OFFICERS.

IT IS THE INTENT OF THE LEGISLATURE THAT STANDARDS FOR TRAINING PROVIDE 2 WEEKS OF TRAINING FOR PROBATION AND

PAROLE OFFICERS. TRAINING SHOULD INCLUDE COURSES IN SUBJECTS RELATING TO INVESTIGATIONS AND ARRESTS PERFORMED BY PROBATION AND PAROLE OFFICERS WITHIN THE SCOPE OF THEIR DUTIES UNDER TITLE 46, CHAPTER 23, PART 10.

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

NEW SECTION: Section 1, Probation and parole officers status as peace officers. Probation and parole officers have peace officer status and shall, WITHIN THE SCOPE OF THEIR DUTIES UNDER THIS PART, exercise the powers of peace officers in the enforcement of the criminal laws, including but not limited to conducting searches as provided by law and making arrests in accordance with Title 46, chapter 6.

Section 2, Section 46-1-201, MCA, is amended to read: "46-1-201, Definitions. For the purposes of this title, the words and phrases described in this section have the meanings designated in this section, except when a particular context clearly requires a different meaning:

(1) "Charge" means a written statement presented to a court accusing a person of the commission of an offense and includes complaint, information, and indictment.

(2) "Conviction" means a judgment of conviction or sentence entered upon a plea of guilty or upon a verdict or finding of guilty of an offense rendered by a legally constituted jury or by a court of competent jurisdiction



1 authorized-to-try-the-case-without-a-jury;
 2 (3)--"Court"--means--a-place-where-justice-is-judicially
 3 administered-and-includes-a-judge-thereof ~~of-the-court~~;
 4 (4)--"Judge"--means-a-person-who-is-invested-by-law-with
 5 the--power-to-perform-judicial-functions-and-includes-court,
 6 justice-of-the-peace, or-city-magistrate or-municipal-judge
 7 when-a-particular-context-so-requires;
 8 (5)--"Judgment"--means-an-adjudication-by-the-court-that
 9 the--defendant--is--guilty--or--not--guilty,--and--if--the
 10 adjudication--is--that--the-defendant-is-guilty,--it-includes
 11 the-sentence-pronounced-by-the-court;
 12 (6)--"Magistrate"--is-an-officer-having-power-to-issue--a
 13 warrant--for--the-arrest-of-a-person-charged-with-an-offense
 14 and-includes:
 15 (a)--the-justices-of-the-supreme-court;
 16 (b)--the-judges-of-the-district-courts;
 17 (c)--justices-of-the-peace, and
 18 (d)--city-magistrates-in-towns-or--cities or--municipal
 19 judges;
 20 (7)--"Offense"--means-a-violation-of-any-penal-statute-of
 21 this--state--or--of--any--ordinance--of--its--political
 22 subdivisions;
 23 (8)--"Peace-officer"--means-any-person-who-by--virtue--of
 24 his-office-or-public-employment-is-vested-by-law-with-a-duty
 25 to--maintain--public--order--or-to-make-arrests-for-offenses

1 ~~while-acting-within-the-scope-of-his-authority,--including--a~~
 2 ~~probation-and-parole-officer-appointed-under-46-23-1002;~~
 3 (9)--"Sentence"--is--the--punishment--imposed--on--the
 4 defendant-by-the-court."
 5 Section-3,--Section-45-8-317,--MCA,--is-amended-to-read:
 6 "45-8-317.--Exceptions.--Section-45-8-316--does--not--apply
 7 to:
 8 (1)--any--peace--officer--of--the--state--of--Montana,
 9 including-a-probation-and-parole-officer--appointed--under
 10 46-23-1002;
 11 (2)--any--officer--of--the--United--States--government
 12 authorized-to-carry-a-concealed-weapon;
 13 (3)--a-person-in-actual-service-as-a-national-guardsman;
 14 (4)--a-person-summoned-to-the-aid-of-any-of-the--persons
 15 named-in-subsections-(1)-through-(3);
 16 (5)--a--civil--officer--or--his--deputy--engaged--in-the
 17 discharge-of-official-business;
 18 (6)--a-probation-and-parole-officer-authorized-to--carry
 19 a-firearm-under-46-23-1002;
 20 (7) (6)--a--person--authorized--by--a-judge-of-a-district
 21 court-of-this-state-to-carry-a-weapon; or
 22 (8) (7)--the-carrying-of-arms-on-one's-own-premises-or-at
 23 one's-home-or-place-of-business."
 24 Section-1,--Section-46-23-1002,--MCA,--is-amended-to-read:
 25 "46-23-1002.--Powers-of-the-department.--The--department

1 may:

2 ~~(1) appoint probation and parole officers and other~~
 3 ~~employees necessary to administer this part;~~

4 ~~(2) authorize probation and parole officers to carry~~
 5 ~~firearms, including concealed firearms, when necessary as~~
 6 ~~allowed by law for other peace officers. The department~~
 7 ~~shall adopt rules establishing firearms training~~
 8 ~~requirements and procedures for authorizing the carrying of~~
 9 ~~firearms;~~

10 ~~(3) adopt rules for the conduct of persons placed on~~
 11 ~~parole or probation, except that the department may not make~~
 12 ~~any rule conflicting with conditions of parole imposed by~~
 13 ~~the board or conditions of probation imposed by a court."~~

14 **SECTION 1. SECTION 44-4-301, MCA, IS AMENDED TO READ:**

15 **"44-4-301. Functions.** (1) As designated by the governor
 16 as the state planning agency under the Omnibus Crime Control
 17 and Safe Streets Act of 1968, as amended, the board of crime
 18 control shall perform the functions assigned to it under
 19 that act. The board shall also provide to criminal justice
 20 agencies technical assistance and supportive services that
 21 are approved by the board or assigned by the governor or
 22 legislature.

23 (2) The board shall have the authority to establish
 24 minimum qualifying standards for employment of peace
 25 officers, as defined in 7-32-303, detention officers, and

1 detention center administrators.

2 (3) The board shall have the authority to require basic
 3 training for officers, establish minimum standards for
 4 equipment and procedures and for advanced in-service
 5 training for officers, and establish minimum standards for
 6 law enforcement and detention officer training schools
 7 administered by the state or any of its political
 8 subdivisions or agencies, to insure the public health,
 9 welfare, and safety.

10 (4) The board may waive the minimum qualification
 11 standard provided in subsection (2) for good cause shown.

12 (5) The board may SHALL establish minimum standards for
 13 training of probation and parole officers, pursuant to
 14 46-23-1003."

15 **SECTION 2. SECTION 46-23-1003, MCA, IS AMENDED TO READ:**

16 **"46-23-1003. Qualifications of probation and parole**
 17 **officers.** (1) Probation and parole officers shall have at
 18 least a college degree and some formal training in
 19 behavioral sciences. Exceptions to this rule must be
 20 approved by the department. Related work experience in the
 21 areas listed in 2-15-2302(2) may be substituted for
 22 educational requirements at the rate of 1 year of experience
 23 for 9 months formal education if approved by the department.
 24 All present employees will be exempt from this requirement
 25 but are encouraged to further their education at the

1 earliest opportunity.

2 (2) Each probation and parole officer must, through a
3 source approved by his employer, obtain 16 hours a year of
4 training in subjects relating to the powers and duties of
5 probation officers. In addition, each probation and parole
6 officer must receive training in accordance with standards
7 adopted by the board of crime control, as provided in
8 44-4-301. THE TRAINING MUST BE AT THE MONTANA LAW
9 ENFORCEMENT ACADEMY UNLESS THE BOARD FINDS THAT TRAINING AT
10 SOME OTHER PLACE IS MORE APPROPRIATE."

11 ~~NEW SECTION--SECTION 3--PAYMENT OF PARTIAL SALARY TO~~
12 ~~PROBATION OR PAROLE OFFICER INJURED IN PERFORMANCE OF DUTY.~~
13 ~~{1}--A--PROBATION OR PAROLE OFFICER WHO IS INJURED IN THE~~
14 ~~PERFORMANCE OF DUTY MUST BE PAID BY THE DEPARTMENT OF~~
15 ~~INSTITUTIONS AT THE TIMES HE WOULD HAVE OTHERWISE RECEIVED~~
16 ~~HIS PAYCHECKS. HE MUST RECEIVE HIS SALARY MINUS AMOUNTS~~
17 ~~EQUAL TO INCOME TAXES THAT HE NEED NOT PAY DUE TO THE INJURY~~
18 ~~AND MINUS ANY AMOUNT RECEIVED FROM WORKERS' COMPENSATION~~
19 ~~UNTIL HE IS ABLE TO RETURN TO WORK, AS DETERMINED UNDER THE~~
20 ~~WORKERS' COMPENSATION LAWS, OR FOR A PERIOD NOT TO EXCEED 1~~
21 ~~YEAR, WHICHEVER OCCURS FIRST.~~

22 ~~{2}--TO QUALIFY FOR THE PAYMENTS PROVIDED FOR IN~~
23 ~~SUBSECTION {1}, THE PROBATION OR PAROLE OFFICER MUST REQUIRE~~
24 ~~MEDICAL OR OTHER REMEDIAL TREATMENT AND MUST BE INCAPABLE OF~~
25 ~~PERFORMING HIS DUTIES AS A RESULT OF THE INJURY.~~

1 ~~NEW SECTION--SECTION 4--CODIFICATION-----INSTRUCTION-~~
2 ~~{SECTION 4} is intended to be codified as an integral part~~
3 ~~of Title 46, chapter 23, part 10, and the provisions of~~
4 ~~Title 46, chapter 23, part 10, apply to {section 4}.~~

-End-