

SENATE BILL 388

Introduced by Van Valkenburg, et al.

2/14	Introduced
2/14	First Reading
2/14	Referred to Judiciary
2/22	Hearing
2/23	Committee Report--Bill Passed
2/26	2nd Reading Passed
2/27	3rd Reading Passed
	Transmitted to House
3/04	First Reading
3/04	Referred to Judiciary
3/14	Hearing
	Died in Committee

Senate BILL NO. **388**

INTRODUCED BY *Bob McCarthy Van Valkenburg Keefe*
Will Menahan Dave Brown

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW RELATING TO THE CARRYING OF FIREARMS BY PROBATION AND PAROLE OFFICERS APPOINTED BY THE DEPARTMENT OF INSTITUTIONS; ALLOWING PROBATION AND PAROLE OFFICERS TO CARRY FIREARMS ON AND OFF DUTY; ESTABLISHING FIREARMS TRAINING GUIDELINES AND WEAPONS SPECIFICATIONS; AND AMENDING SECTION 46-23-1002, MCA."

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

Section 1. Section 46-23-1002, MCA, is amended to read:

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

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

(2) authorize probation and parole officers to carry firearms, including concealed firearms, when--necessary as provided in [sections 2 and 3]; ~~the department shall adopt rules---establishing---firearms--training--requirements--and procedures-for-authorizing-the-carrying-of-firearms-~~

(3) adopt rules for the conduct of persons placed on parole or probation, except that the department may not make any rule conflicting with conditions of parole imposed by

the board or conditions of probation imposed by a court."

NEW SECTION. Section 2. Probation and parole officers

-- authority to carry firearms. A probation and parole officer who meets all firearms training requirements may carry a firearm while:

(1) engaged in the performance of his duties, unless restricted by the officer's supervisor, with cause; and

(2) off duty, provided he has received written authorization from the department. An off-duty weapon must conform to the guidelines provided in [section 3].

NEW SECTION. Section 3. Firearms training requirements

-- weapons specifications. (1) Before a probation and parole officer may carry a firearm, he must meet the department's current firearms training requirements. An officer may carry only the type and model of firearm with which he trains and qualifies. The department shall maintain at all times a list of probation and parole officers who are and who are not qualified to carry a firearm.

(2) A probation and parole officer who is qualified to carry a firearm may carry a personally owned weapon, as provided in subsection (3), or a weapon issued by the department.

(3) A probation and parole officer may carry a personally owned:

(a) Smith & Wesson 9mm, model 469, or other 9mm firearm

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1 if it has the same safety features as the Smith & Wesson
2 9mm, model 469, and is approved in writing by the director
3 of the department; or

4 (b) .38 or .357 caliber firearm with a 4-inch or
5 shorter barrel.

6 (4) A probation and parole officer may only use
7 ammunition issued by the department in either a personally
8 owned weapon or a weapon issued by the department.

9 (5) Weapons must be carried in a secure holster and
10 concealed at all times.

11 NEW SECTION. **Section 4.** Codification instruction.
12 [Sections 2 and 3] are intended to be codified as an
13 integral part of Title 46, chapter 23, part 10, and the
14 provisions of Title 46, chapter 23, part 10, apply to
15 [sections 2 and 3].

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

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INTRODUCED BY *Rep. McCarty, Van Valkenburg, Keefe, Mill, Meschaw, DeBor*

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