

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

Call to Order: By Chairman Brown, on March 7, 1989, at 8:05 a.m.

#### ROLL CALL

Members Present: All except:

Members Excused: Rep. Hannah

Members Absent: None.

Staff Present: Julie Emge, Secretary  
John MacMaster, Legislative Council

Announcements/Discussion: None.

#### HEARING ON SENATE 322

#### Presentation and Opening Statement by Sponsor:

Sen. Fred Van Valkenburg, District 30, stated that SB 322 would respond to a Supreme Court decision from late 1986 which changed a journalist's privilege of nondisclosure of confidential sources. The Court ruled in Sible vs. Lee Enterprises that said if a news entity or reporter is sued and in the course of defending that lawsuit, takes the witness stand, then that person waives the privilege of nondisclosure of a confidential source. Our forefathers recognized the need for an active, involved and free press and put a provision in our constitution (the first amendment) which guarantees the right of a free press. It has served our country well even though there have been difficulties at times. The press must be able to protect the confidentiality of its sources and should not be subject to coercive attempts to force disclosure. This bill has broad support from the media and no opposition in the Senate. Rep. Ramirez (co-sponsor) has prepared an amendment.

#### Testifying Proponents and Who They Represent:

Mike Voeller, Lee Newspapers  
Brad Hurd, Editor, Missoulian  
Gary Moseman, Editor, Great Falls Tribune  
Charles Walk, Executive Director, Montana Newspaper Association  
Ian Marquand, News Director, KTVH; President, Society of Professional Journalists

Proponent Testimony:

Mike Voeller expressed support for the bill and proposed an amendment presented as EXHIBIT 1. A copy of the bill as it would read with the amendment was also presented (EXHIBIT 2). Rep. Ramirez requested the amendment because he felt that the bill presently is too strong in that it gives the reporters absolute privilege. He felt that the privilege should be that you have it unless you waive it.

Brad Hurd stated that this bill is not a radical change but a clarification of the media confidentiality act. As the Supreme Court decision can be read presently, a reporter testifying on his own behalf would have to divulge unpublished material, unnamed sources and reporter's notes. Refusal would subject the reporter to a default judgment. He presented a memo to the committee that speaks of the Media Confidentiality Act (EXHIBIT 3).

Gary Moseman testified in support of SB 322. It is important to note that this is not an expansion of any rights but flexibility to participate more fully in court proceedings. The case cited is related to a reporter's ability to take the stand on his own behalf but it could also happen that a reporter would be asked to take the stand as a third party in a criminal or civil proceeding in which he would also face the same conditions.

Charles Walk expressed support for SB 322 and its' amendment. The bill will strengthen the legislative intent of 26-1-903 as it applies to 26-1-902. Since the first Media Confidentiality Act (Shield Law), development and refinement of the act are meaningful. SB 322 is a major step in this process involving the Montana Media Confidentiality Act and urged DO PASS.

Mr. Marquand spoke on behalf of the Society of Professional Journalists. He concurred with previous testimony. Montana's present law has been a source of justifiable pride among the journalist community. The Supreme Court decision revealed a flaw and this bill will correct that flaw. He urged support of the amendment and of the bill.

Testifying Opponents and Who They Represent:

None.

Opponent Testimony:

None.

Questions From Committee Members: Rep. Gould asked Sen. Van Valkenburg about a reporter having to prove a statement made by a reporter. Sen. Van Valkenburg responded that the libel laws remain in place. This bill will not have any affect on the libel laws.

Rep. Eudaily asked Sen. Van Valkenburg what the heading of the section referred to in the bill (902). Sen. Van Valkenburg stated that 902 sets out what the shield law is and 903 talks about the waiver of that privilege.

Rep. Addy asked Sen. Van Valkenburg if this case arose because the person voluntarily testified. Sen. Van Valkenburg stated that the person was being sued and testified in the process of defending the lawsuit.

Closing by Sponsor: Sen. Van Valkenburg speculated that some may be uncomfortable with confidential sources but stated that there are occasionally circumstances where that is the only way in which important information can come to light so that people are protected from retaliation.

#### DISPOSITION OF SENATE BILL 322

Motion: Rep. Addy moved the SB 322 BE CONCURRED IN. Seconded by Rep. Mercer.

Discussion: None.

Amendments, Discussion, and Votes: Rep. Addy moved the amendment. Rep. Mercer did not think the bill will worded very well. The bill should be reworded and made simpler. The portion of the bill about when the privilege can be waived and suggested language of "the provisions of 26-1-902 may not be waived unless the person voluntarily discloses the source". Rep. Brooke asked if it would be the same type of thing as the open meeting law where you just waive your privilege. She understood that the Supreme Court ruling meant that once a person takes the stand then the privilege is waived and this bill is attempting to be sure that section 26-1-902 is still valid even after taking the stand. Rep. Brown suggested language from John MacMaster: "The provisions of 26-1-902 may only be waived by voluntary disclosure of the source". Rep. Mercer still felt the language in the bill was "terrible".

Chairman Brown decided that executive action on the bill will be continued tomorrow.

Recommendation and Vote: No further action taken. HOLDING.

HEARING ON SENATE BILL 347

Presentation and Opening Statement by Sponsor:

Sen. Fred Van Valkenburg, District 30, stated that this bill was introduced to put into statute the rules of criminal procedure that have been proposed by a committee of the state bar that has been examining and working criminal statutes for the last four years. This body, chaired by Robert Deschamps, was directed by the Montana Supreme Court to review our existing statutes. The group submitted the suggested changes to the court who decided to defer to the Legislature for consideration. The Montana Criminal Procedure Commission would like action on this bill delayed because some problem areas have arisen and the time would give the commission a chance to recommend changes. There are no significant changes being proposed but the bill will clarify a number of areas.

Testifying Proponents and Who They Represent:

Robert L. Deschamps, Chair, Montana Criminal Procedure Commission  
John Connor, Department of Justice, Montana County Attorneys  
Association, Montana Attorney General  
Mike Sherwood, Montana Trial Lawyers Association  
Wally Jewell, Montana Magistrates Association

Proponent Testimony:

Robert Deschamps stated that this bill was initiated by the Montana Supreme Court with an eye toward modernizing and turning into a rule form the criminal procedure in the State of Montana. The federal government and most states have rules rather than statutes regarding criminal procedures. The only significant objection that they have received is from groups that were concerned about the changes in the spouse abuse legislation that was passed by the last legislature. They met with the group and made changes and put many of those changes in the proposal. Because some groups have requested minor changes, he, too, asked the committee to take action on the bill later.

John Connor concurred with Mr. Deschamps testimony. The attorney for the Senate Judiciary pointed out that some statutes in this bill would be repealed. He obtained a list of all bills pending that would be affected by this bill to be sure that repeals would not be made by reference.

Mike Sherwood stated that, as a young defense attorney, most case law was spread throughout Montana Code. This bill would make it easier to find the laws relative to certain cases. Though he did not like all of the sections of the bill, he urged passage of the bill as a whole. He urged the committee to give the commission more time to fine tune the

bill.

Wally Jewell expressed support for this bill and asked for more time until further work can be completed on the bill.

Testifying Opponents and Who They Represent:

None.

Opponent Testimony:

None.

Questions From Committee Members: Rep. Eudaily asked Sen. Van Valkenburg asked kinds of rules were being used presently. Sen. Van Valkenburg stated that they are operating under a combination of statutes and case law that has developed over time. There are no rules of criminal procedure. There are rules of civil procedure and the federal government has both civil and criminal procedure rules. Not only would this bill modernize the statutes but would provide a method for the future for changes. The effective date is later when the legislature handles it than it would be if the Supreme Court had enacted the rule changes.

Closing by Sponsor: Sen. Van Valkenburg closed.

Chairman Brown stated that the bill will be placed in a subcommittee and he counseled them not to meet until the commission is in agreement on the additional changes. Rep. Strizich, chair, Rep. Nelson and Rep. Rice will compose the committee.

HEARING ON SENATE 258

Presentation and Opening Statement by Sponsor:

Sen. Pineseault, District 27, stated this bill is by request of the Board of Pardons. This bill does not relate to any part of the trial process. The trial has been completed, the prisoner has been sentenced and, under present law, having served a certain period of time, the prisoner becomes eligible for parole. SB 258 tries to give the Board of Pardons more discretion by changing "shall" to "may" in section 2. Section 1 provides that the decision by the Board of Pardons must be by majority vote and that is not appealable. What has been occurring is that a prisoner had met the statutory criteria, he could go through the administrative procedure act and then into the district court. Under this bill that would be eliminated. The prisoner would still have a right under equal protection issues that he could bring before a district court on a writ of habeas corpus. Section 3 helps clarify the problem of concurring sentences of a new crime.

Testifying Proponents and Who They Represent:

Nick Rotering, Board of Pardons' Attorney, Department of  
Institutions' Chief Counsel

Proponent Testimony:

Nick Rotering stated that this bill is a recommendation of the Criminal Advisory Justice Committee that studied problems of prison overcrowding. It also coincides with the US Supreme Court decision that was handed down a year ago (Allen vs. Burgess). Essentially, SB 258 is a request for three items. Section 1 indicates that the decisions of the Board of Pardons will be made by a majority vote and that the decisions are final and not reviewable under the Administrative Procedures Act. Section 2 is the means of addressing the Supreme Court decision by deleting "shall" and inserting "may. It will give the Board of Pardons and the State further discretion on whether or not a parole will be granted. Section 3 clarifies the eligibility of the prisoner for parole for his first offense after he has been convicted and returned to prison on another offense (EXHIBIT 4). The Senate Judiciary Committee deleted a portion of the bill that made the bill retroactive and he agreed with that move.

Testifying Opponents and Who They Represent:

None.

Opponent Testimony:

None.

Questions From Committee Members: Rep. Boharski asked Mr. Rotering if he would clarify section 3. Mr. Rotering explained that the board can revoke the parole on a first offense after he has been returned to prison because of a second violation while on parole. The terms presently must be served consecutively. This bill would allow the person to be paroled to begin serving time on the second offense. He doesn't leave prison but serves time on the second sentence sooner.

Rep. Gould asked Mr. Rotering if this bill would affect the number of people that the parole officers are going to have in their caseload. Mr. Rotering said that if the board is given the discretion to parole in section 3, it is possible that a man could be paroled and would increase the caseload for officers. Mr. Rotering thought that there was an increase in field services budget for the department. He was not positive though.

Closing by Sponsor: Sen. Pineseault remarked that this bill is not trying to restrict when the prisoner becomes eligible for parole. The Board should be given the discretion necessary to avoid cluttering the process with frivolous appeals.

## DISPOSITION OF SENATE BILL 258

Motion: Rep. Addy moved that SB 258 BE CONCURRED IN. Rep. Gould seconded.

Discussion: Rep. Boharski expressed concern with section 3. It is a substantial change. John MacMaster, Rep. Gould and Rep. Brown explained the section to him.

Amendments, Discussion, and Votes: None.

Recommendation and Vote: The motion that SB 258 BE CONCURRED IN CARRIED with Reps. Boharski and Wyatt seconded.

## HEARING ON SENATE BILL 312

Presentation and Opening Statement by Sponsor:

Sen. Dick Pineseault, District 27, stated that primary sponsors of SB 312 have requested that the bill be tabled.

Testifying Proponents and Who They Represent:

None.

Proponent Testimony:

None.

Testifying Opponents and Who They Represent:

None.

Opponent Testimony:

None.

Questions From Committee Members: None.

Closing by Sponsor: Sen. Pineseault closed.

## DISPOSITION OF SENATE BILL 312

Motion: Rep. Addy moved the SB 312 be TABLED. Rep. Gould seconded.

Discussion: None.

Amendments, Discussion, and Votes: None.

Recommendation and Vote: The motion to TABLE CARRIED with Rep. Boharski.

#### HEARING ON SENATE BILL 21

#### Presentation and Opening Statement by Sponsor:

Sen. John Harp, District 4, stated that SB 21 is a request from the Department of Revenue that allows peace officer status for people in the department who are investigating fraud in public assistance (AFDC, food stamps and Medicaid). The department's Investigations Bureau currently is responsible for referring such fraud to the county attorneys for prosecution. They are not presently authorized to issue a warrant. Peace officer status would give them that ability so local jurisdictions do not have to follow up on investigations already done. There is an increase in such fraud in Montana. The Department of Revenue already has this status in two areas: gaming industry and tobacco areas.

#### Testifying Proponents and Who They Represent:

Rick Day, Investigation Bureau, Department of Revenue  
Robert L. Deschamps III, Missoula County Attorney

#### Proponent Testimony:

Rick Day expressed support for SB 21 and stated that this bill is not a major change in their authority. The change requires no additional staff and is designed only to increase their effectiveness primarily by allowing them to serve notices to appear and arrest warrants generated by county attorneys. It should eliminate the delay caused by the heavy workloads of local law enforcement but the public sees quicker action and sanctions in the area of public assistance fraud.  
EXHIBIT 5.

Robert Deschamps stated that he supports this bill because it makes good sense. The county authorities are spread extremely thin and they need all the help they can get.

#### Testifying Opponents and Who They Represent:

None.

#### Opponent Testimony:

None.

Questions From Committee Members: None.

Closing by Sponsor: Sen. Harp closed.

DISPOSITION OF SENATE BILL 21

Motion: Rep. Mercer moved that SB 21 BE CONCURRED IN. Rep. Addy seconded.

Discussion: None.

Amendments, Discussion, and Votes: None.

Recommendation and Vote: The motion that SB 21 be recommended BE CONCURRED IN CARRIED with Reps. Wyatt and Brooke opposing.

Rep. Mercer will carry the bill on the house floor.

EXECUTIVE ACTION

DISPOSITION OF SENATE BILL 84

Rep. Brown stated that amendments have been suggested.

Motion: Rep. Darko moved that SB 84 BE CONCURRED IN. Seconded by Rep. Gould.

Discussion: None.

Amendments, Discussion, and Votes: Rep. Darko moved the suggested amendments. Rep. Eudaily seconded.

Rep. Eudaily stated that this amendment does what the sponsor intended.

Rep. Mercer felt that the amendment is beyond the scope of the bill. If this is part of the sentence then it is only restricted to that period of time.

Rep. Strizich stated that as a practical matter the probation and supervision becomes a self-supervised situation but that does not mean that a person cannot be found in violation of his probation or parole.

Rep. Darko stated that the most overpowering reason for such controls is because testimony showed that these people are not in control of themselves. They perform better in controlled situations.

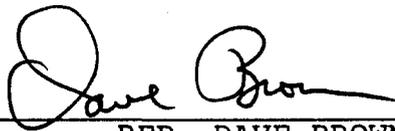
Rep. Boharski made a substitute motion to change "shall" to "may" in the amendment. Rep. Rice seconded. The motion FAILED with Reps. Boharski and Rice voting in favor.

The motion to amend as moved by Rep. Darko CARRIED with Reps. Mercer, Knapp, McDonough and Boharski opposing.

Recommendation and Vote: Rep. Darko moved that SB 84 BE  
CONCURRED IN CARRIED unanimously.

ADJOURNMENT

Adjournment At: 9:30 a.m.

  
\_\_\_\_\_  
REP. DAVE BROWN, Chairman

DB/td

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## DAILY ROLL CALL

JUDICIARY

COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date MARCH 7, 1989

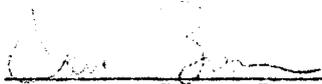
NAME	PRESENT	ABSENT	EXCUSED
REP. KELLY ADDY, VICE-CHAIRMAN	X		
REP. OLE AAFEDT	X		
REP. WILLIAM BOHARSKI	X		
REP. VIVIAN BROOKE	X		
REP. FRITZ DAILY	X		
REP. PAULA DARKO	X		
REP. RALPH EUDAILY	X		
REP. BUDD GOULD	X		
REP. TOM HANNAH			X
REP. ROGER KNAPP	X		
REP. MARY McDONOUGH	X		
REP. JOHN MERCER	X		
REP. LINDA NELSON	X		
REP. JIM RICE	X		
REP. JESSICA STICKNEY	X		
REP. BILL STRIZICH	X		
REP. DIANA WYATT	X		
REP. DAVE BROWN, CHAIRMAN	X		

STANDING COMMITTEE REPORT

March 7, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that  
Senate Bill 258 (third reading copy -- blue) be concurred in.

Signed:   
Dave Brown, Chairman

[REP. GOULD WILL CARRY THIS BILL ON THE HOUSE FLOOR]

3-7-89



*The Big Sky Country*

## MONTANA HOUSE OF REPRESENTATIVES

**REPRESENTATIVE DAVE BROWN**

HOUSE DISTRICT 72

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CAPITOL STATION  
HELENA, MONTANA 59620

HOME ADDRESS:  
3040 OTTAWA  
BUTTE, MONTANA 59701  
PHONE: (406) 782-3604

COMMITTEES:  
JUDICIARY, CHAIRMAN  
LOCAL GOVERNMENT  
RULES

TO: John Vincent, Speaker of the House  
FROM: Dave Brown, Chairman, House Judiciary Committee *df*  
DATE: March 7, 1989  
SUBJECT: Senate Bill 312

The House Judiciary Committee has TABLED Senate Bill 312.

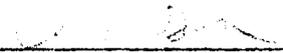
DB/je

STANDING COMMITTEE REPORT

March 7, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that  
Senate Bill 21 (third reading copy -- blue) be concurred in .

Signed:   
Dave Brown, Chairman

[REP. MERCER WILL CARRY THIS BILL ON THE HOUSE FLOOR]

STANDING COMMITTEE REPORT

March 7, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that SENATE BILL 84 (third reading copy -- blue) be concurred in as amended.

Signed: \_\_\_\_\_  
Dave Brown, Chairman

[REP. \_\_\_\_\_ WILL CARRY THIS BILL ON THE HOUSE FLOOR]

And, that such amendments read:

1. Page 2, line 1.

Following: "45-5-507"

Insert: "(unless the act occurred between 2 consenting persons 16 years of age or older)"

2. Page 4, line 2.

Strike: "Liability for noncompliance with"

Insert: "A convicted sexual offender's duty to register under"

3. Page 4, lines 13 through 21.

Strike: "EMPLOYMENT" on line 13 through end of line 21

Insert: "Sentence upon conviction--restriction on employment.

A judge sentencing a person upon conviction of a sexual offense shall, as a condition to probation, parole, or deferment or suspension of sentence, impose upon the defendant reasonable employment or occupational prohibitions and restrictions designed to protect the class or classes of persons containing the likely victims of further offenses by the defendant."

DATE 3/7/89

SB 322

Amendments to Senate Bill No. 322  
Third Reading Copy

Requested by Rep. Jack Ramirez  
For the Committee on the Judiciary

March 6, 1989

1. Title, line 5.

Strike: "PROVIDING"

Insert: "CLARIFYING"

2. Title, lines 6 and 7.

Strike: "AGAINST" on line 6 through "PRIVILEGE" on line 7

Insert: "MAY WAIVE THE JOURNALIST SOURCE PRIVILEGE ONLY BY  
VOLUNTARILY DISCLOSING THE SOURCE"

3. Page 1, lines 11 and 12.

Following: "(1)" on line 11

Strike: "Dissemination, except"

Insert: "Except"

4. Page 1, line 12.

Following: "(2),"

Insert: "dissemination"

5. Page 1, line 19.

Strike: "waives"

Insert: "does not waive"

6. Page 1, line 20.

Following: "26-1-902"

Insert: "unless the person voluntarily discloses the source"

7. Page 1, lines 22 through 25.

Strike: subsection (3) in its entirety

2  
3/7/89  
SB 322

SENATE BILL 322 AS AMENDED WOULD READ AS FOLLOWS:

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE MEDIA CONFIDENTIALITY ACT BY CLARIFYING THAT A PERSON WHO TESTIFIES IN A LAWSUIT MAY WAVE THE JOURNALIST SOURCE PRIVILEGE ONLY BY VOLUNTARILY DISCLOSING THE SOURCE, AND AMENDING 26-1-903, MCA."

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

SECTION 1. Section 26-1-903, MCA, is amended to read:

"26-1-903. Waiver of privilege. (1) Except as provided in subsection (2), dissemination in whole or in part does not constitute a waiver of provisions of 26-1-902.

(2) If the person claiming the privilege voluntarily offers to testify or to produce the source, with or without having been subpoenaed or ordered to testify or produce the source, before a judicial, legislative, administrative, or other body having the power to issue subpoenas or judicially enforceable orders, he or it does not waive the provisions of 26-1-902, unless the person voluntarily discloses the source. Except as provided in this subsection, the provisions of 26-1-902 may not be waived.

Strike: subsection (3) in its entirety.

EXHIBIT 3  
DATE 3/7/89  
SB 322

SB 322--A BILL TO REVISE THE MEDIA CONFIDENTIALITY ACT

The Media Confidentiality Act is generally referred to as a "shield law". Twenty-six states, including Montana, has such a law.

The intent of the Media Confidentiality Act is to protect news organizations from having to give certain information to litigants. It protects confidential information, sources, reporter's notes and unpublished materials.

Recently, New York State's highest court, the New York Court of Appeals, unanimously backed a news organization's First Amendment claim that it should not have to share its unpublished information with litigants. In O'Neill v. Oak Grove Construction, Inc., et al., 523 N.E.2d (1988), the court stated, "[t]he practical burden on time and resources, as well as the consequent diversion of journalistic effort and disruption of news gathering activity, would be particularly inimical to the vigor of a free press." That decision echoes many others across the country which have determined that a news organization's unpublished material is akin to an attorney's work product and should remain privileged.

SB 322 would restore the privilege intended by the Media Confidentiality Act. The privilege was severely restricted in a decision by the Montana Supreme Court. In Sible v. Lee Enterprises et al., 729 P.2d 1271 (1986), Justice Frank Morrison determined that a reporter waived his privilege to keep his notes confidential once the reporter agreed to testify in

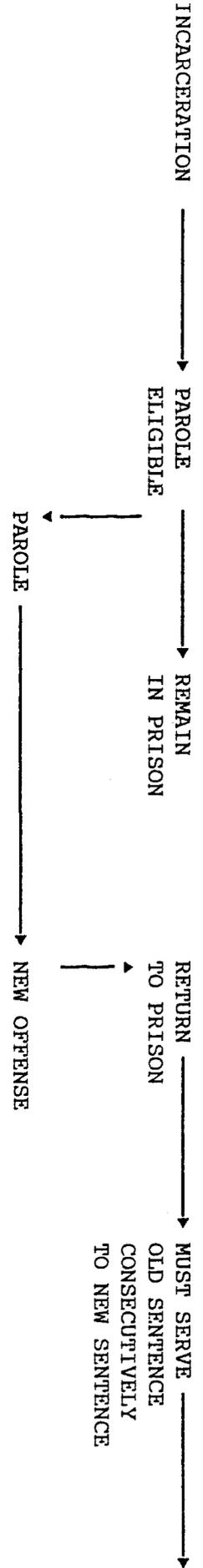
EXHIBIT 3  
DATE 3-7-89  
# SB 322

deposition or at trial.

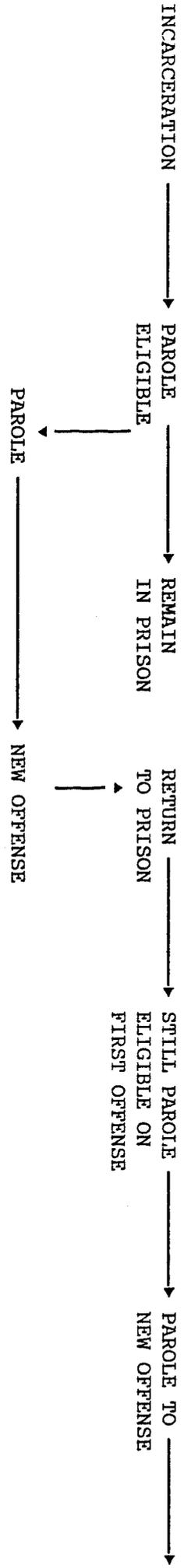
Under the court's interpretation of the statute, the only way a reporter could invoke the privilege is if he or she refused to testify, even if subpoenaed, and face a default judgment. SB 322 restores the protection the Media Confidentiality Act was intended to provide.

4  
 3/7/89  
 SB 258  
 PRESENT LAW

SENATE BILL 258



NEW PROPOSAL SECTION 3 OF SB 258



OR

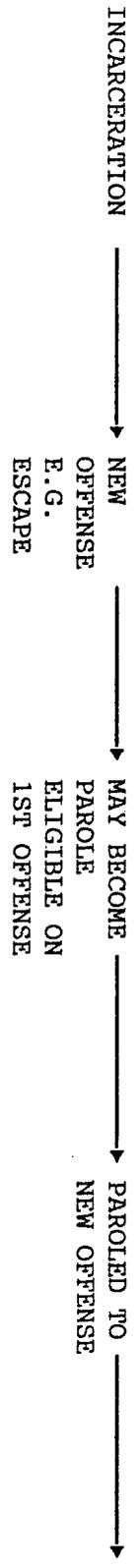


EXHIBIT 5  
DATE 3/7/89  
SB 21

# DEPARTMENT OF REVENUE



3-7-89

SB21  
House Judiciary Committee  
Summary of testimony  
Rick Day, Bureau Chief  
Investigations Bureau  
Investigations & Enforcement Division  
Department of Revenue  
March 7, 1989

The department's investigative authority is based on a variety of statutory sections and designations. SB21 merely extends that authority in a very limited fashion. Peace officer designation for DOR investigators (which is already found in the gaming and tobacco tax areas) would be granted in public assistance (AFDC, food stamps, and medicaid) criminal fraud investigations. The following summarizes key points which support this legislation.

- 1) The proposal requires no additional staff but is intended to make existing staff more effective by allowing bureau investigators to serve notices to appear and arrest warrants generated from county attorneys.
- 2) Eliminate delay caused by extensive service demands on local law enforcement.
- 3) Let defendants and the public see more immediate sanctions as a result of fraud.
- 4) Allow for quicker initiation of recovery. The ability to serve warrants would result in at least a 40% or \$50,000 increase in court ordered restitution. While the number of total public assistance dollars involved in cases has increased, the amount of court ordered restitution has dropped in FY88. 140 welfare fraud cases involving a potential of \$387,947 are awaiting prosecution. The courts cannot order restitution or impose penalty until the arrest warrants or notices to appear are served.
- 5) The legislation received unanimous vote of support by the Montana Sheriff's and Peace Officer's Association Board of Directors. Mike Schafer, Yellowstone County Sheriff; Bob Butorovich, Butte/Silver Bow County Sheriff; and Chuck Rhodes, Flathead County Sheriff were among the board members voting to support the legislation.
- 6) Written letters of support have been received from the Missoula, Beaverhead, Granite, and Custer County Attorneys.
- 7) Investigations Bureau investigators are now sworn peace officers, M.L.E.A. trained, and P.O.S.T. certified. By authority of the Montana Codes Annotated, investigators for the Montana Department of Revenue, Investigations Bureau, are designated peace officers

Ex. #5.  
3-7-89

and as such are authorized by state law to carry concealed weapons (Sections 16-11-141, 23-5-605, and 44-11-101, MCA).

Investigations Bureau policy authorizes the carrying of weapons in situations requiring the protection of the investigator or others and not during the normal course of daily activities.

Handout Summary (attached)

- a) Summary of testimony
- b) Example data of pending arrest warrants
- c) Letters in support
  - Beaverhead County Attorney
  - Custer County Attorney
  - Granite County Attorney
  - Missoula County Attorney
- d) Major case review 1988
- e) Montana Standard news article
- f) General statistics - Investigations Bureau
- g) Welfare fraud activity summary FY86-88
- h) Dollar loss referred for prosecution graph
- i) Potential recovery vs. expense graph
- j) Investigations Bureau firearms policy
- k) Documents to clarify investigators' status
  - page 1 position description
  - oath of office
  - firearms qualification

PROBLEM OR OPPORTUNITY: The Investigations Bureau is responsible for investigation and referral of welfare and medicaid fraud cases to the county attorneys for prosecution. In many cases a criminal charge is filed. However, due to extreme local law enforcement caseloads, delay or non-service of arrest warrants or notices to appear keeps a large number of cases from getting to court. The Investigations Bureau needs the ability to serve warrants or notices to appear. This authority would result in more prosecutions and a higher level of restitution.

JUSTIFICATION: In 1973 the legislature empowered the Department of Revenue to investigate public assistance fraud based on referrals from the Department of Social and Rehabilitation Services (SRS). The Department of Revenue's Investigations Bureau is the unit responsible for public assistance fraud investigations. In addition to recipient fraud investigations, the Investigations Bureau assumed the responsibility for vendor fraud investigations following the elimination of the Medicaid Fraud Bureau in 1986.

The Investigations Bureau's role has been purely investigative relative to public assistance fraud. SRS has assumed responsibility for the civil collection of fraud debts and overpayment. The state's 56 county attorneys handle prosecution and the various police and sheriffs' departments arrest and serve notices to appear. Beginning in 1985 SRS and DCR began focusing investigative efforts on the cases involving the highest dollar loss.

In some counties where the demand for service is great the problem is particularly apparent. The following is an example of pending arrest warrants, which preclude court action until served in a Montana county:

DATE DELIVERED TO COUNTY ATTORNEY	AMOUNT
APRIL 7, 1987	\$2,221.22
MAY 22, 1986	\$12,391.72
MAY 8, 1981	\$12,329.82
JANUARY 8, 1987	\$4,449.29
MARCH 26, 1986	\$423.00
APRIL 19, 1978	\$783.00
JANUARY 8, 1987	\$2,704.89
AUGUST 16, 1984	\$1,738.00
MAY 22, 1986	\$449.00
MARCH 26, 1986	\$0.00
MAY 22, 1986	\$2,323.91
JANUARY 8, 1987	\$3,672.00
JANUARY 8, 1987	\$0.00
DECEMBER 4, 1985	\$438.00
FEBRUARY 1, 1985	\$3,188.68
	<hr/>
	\$47,112.53

Peace officer status would 1) allow bureau investigators to serve notices to appear and arrest warrants generated from county attorneys relative to public assistance fraud cases, 2) eliminate delay caused by extensive service demands on local law enforcement, 3) let the defendants and the public see more immediate sanctions as a result of fraud and 4) allow for quicker initiation of recovery. The ability to serve arrest warrants would result in at least a 40% or \$50,000 increase in court ordered restitution.

**IMPACT ON OTHERS:** Local agencies should benefit by reduction in demand for service of warrants and notices to appear and the change is limited to public assistance matters. Serving of warrants is a commonplace occurrence for other state agencies (Highway Patrol and Fish, Wildlife and Parks). Therefore, assumption of this obligation by state investigators would not be unusual. The taxpayers would be better served and those charged with public assistance fraud would face quicker court action. The public assistance recipient would be protected as the arrest or service would be undertaken pursuant to lawful warrant or notice. SRS would not suffer adverse image effects as the Investigations Bureau would be requesting the legislation and taking the field enforcement action. Finally, the budget would not be adversely affected as the request would not involve additional manpower, but would make the fraud prosecution effort more effective.

**AUTHORSHIP:** Rick Day, Investigations Bureau Chief,  
Investigations and Enforcement Division, Department of Revenue,  
Old Livestock Building, Helena, Montana - Tel. 444-2846.



CE OF THE COUNTY ATT<sup>Y</sup> BY  
BEAVERHEAD COUNTY, MONTANA

EX #5  
3-7-89

2 SOUTH PACIFIC, CL #2  
DILLON, MONTANA 59725  
(406) 683-4308

December 6, 1988

THOMAS R. SCOTT  
COUNTY ATTORNEY  
W. CECIL JONES  
DEPUTY  
CALVIN ERB  
DEPUTY

Rick Day  
Department of Revenue  
Investigation Division  
Old Livestock Building  
Helena, Montana 59620

RE: PEACE OFFICER STATUS FOR WELFARE FRAUD INVESTIGATORS

Dear Mr. Day:

Proposed legislation has come to my attention which would amend Section 53-2-501, M.C.A. (1987), to designate the Department of Revenue a criminal justice agency with designated employees and representatives granted peace officer status for the powers of search, seizure and arrest for the enforcement and investigation of Montana laws relating to public assistance and vendor payments.

This office wholly supports the above proposed legislation. I believe the above legislation to be in the best interests of the local law enforcement agencies and would promote enforcement of the laws relating to welfare fraud. Any time we can improve the effectiveness and efficiency of criminal prosecutions, we should attempt to do so. The above proposed legislation is a good step in that direction.

If I can be of any assistance with respect to this legislation, please let me know.

Sincerely yours,

*Thomas R. Scott*

Thomas R. Scott  
Beaverhead County Attorney

TRS/clgh

bc: TOM OBERWEISER, INVESTIGATOR ✓  
MONTANA DEPARTMENT OF REVENUE

CUSTER COUNTY ATTORNEY: KEITH D. HAKER  
DEPUTY COUNTY ATTORNEY: J. DENNIS CORBIN



## Custer County Attorney

Custer County Courthouse  
1010 Main  
MILES CITY, MONTANA 59301  
(406) 232-7800 Ext. 20

December 2, 1988

**RECEIVED**

DEC 05 1988

Mr. Rick Day, Bureau Chief  
Investigations Bureau  
Department of Revenue  
Old Livestock Building  
Helena, Montana 59620-2710

DEPARTMENT OF REVENUE  
INVESTIGATIONS PROGRAM

RE: Department of Revenue-Proposed Legislation-  
Peace Officer Status for Welfare Fraud Warrant Service

Dear Rick:

I am writing to advise you that I support the proposed legislation which would provide for peace officer status for welfare fraud warrant service. It is my understanding that the proposed legislation would grant peace officer status with the powers of search, seizure, and arrest for the enforcement and investigation of laws relating to public assistance and vendor payment.

I believe that this change would improve the efficiency of your department and in addition, would reduce the work load of local law enforcement officials, who are having difficulty in obtaining funding to hire an adequate staff.

Sincerely,

KEITH D. HAKER  
CUSTER COUNTY ATTORNEY

KDH:tsc

cc: Brent Richlen, Investigator  
Department of Revenue

24.775  
3-7-89

Ex. #5  
3-7-89

J. ALLEN BRADSHAW

Granite County Attorney

BOX 490

PHILIPSBURG, MONTANA 59858

PHONE 406 - 859 - 3541

December 7, 1988

To Whom It May Concern

Re: Peace Officer Status For Welfare Fraud Warrant Service

Gentlemen:

I am writing this letter to support proposed legislation, which I understand is being presented to give the Department of Revenue status as a Criminal Justice Agency and designating certain department employees as Peace Officers for the investigation and enforcement of laws relating to public assistance.

Quite often, I prosecute individuals who have violated welfare laws, the penalty of which constitutes the violation as a crime.

I feel it is vitally important that the employees handling the investigation of these violations be given full authority to make searches, seizures, and arrests, the same as any other Peace Officer working in the Criminal Justice system.

I would appreciate your response to my request of your support on this legislation.

Thanking you and awaiting your reply, I am,

Respectfully yours



J. Allen Bradshaw

JAB/bd

24. 25

3-7-89

MISSOULA COUNTY

OFFICE OF THE ATTORNEY  
MISSOULA COUNTY COURTHOUSE  
MISSOULA, MONTANA 59802  
TELEPHONE (406) 721-5700

**ROBERT L. DESCHAMPS III**  
COUNTY ATTORNEY

December 6, 1988

**RECEIVED**

DEC 08 1988

DEPARTMENT OF REVENUE  
INVESTIGATIONS PROGRAM

Rick Day  
Department of Revenue  
Investigation Bureau  
Old Livestock Building  
Helena, MT 59620

Dear Rick:

I recently learned that the Department of Revenue is considering seeking legislation making Investigation Bureau Investigators peace officers, at least while acting within the scope of their duties. Please be advised that I strongly support this legislation as it appears to me that it is wasteful of our limited resources to require Department of Revenue personnel to have to deal with local law enforcement agencies to do such mundane tasks as apply for and execute search warrants.

Frankly I feel that Department of Revenue Investigation Bureau Investigators ought to be peace officers for all purposes since there are frequently occasions when their status as sworn peace officers could be a great assistance to other law enforcement agencies. Limiting their peace officers status to specific areas of responsibility only confuses the matter and creates problems when they act in areas that are not clearly within the realm of their duties.

If I can do anything more to assist in this endeavor, please do not hesitate to contact me and I would be happy to do whatever I can.

Sincerely,

*Robert L. Deschamps III*  
Robert L. Deschamps III  
Missoula County Attorney

RLD/gkm

PUBLIC ASSISTANCE FRAUD PROSECUTION  
Major case review 1988

Ex. #5

3-7-89

Yellowstone County- defendant pled guilty to felony theft (fraudulently obtaining public assistance) and was sentenced to six years deferred imposition, placed on probation and ordered to pay \$7,040 as restitution. The defendant had failed to report his wife's employment at the Billings Deaconess Hospital.

Valley County- defendants pled guilty to felony theft (fraudulently obtaining public assistance) and were sentenced to 5 years in prison. The sentence was suspended provided the defendants be placed under supervision, pay restitution of \$17,965 with \$10,000 paid in advance and 5 days in jail. The defendants failed to report \$675 a month and a \$10,425 lump sum workman's compensation payments.

Butte-Silverbow County- defendant pled guilty to felony theft (fraudulently obtaining public assistance) and was sentenced to 2 years deferred imposition, placed under supervision and ordered to pay \$6,911 as restitution. The defendant failed to report her daughter's social security payments for about 2 1/2 years.

Yellowstone County- defendant pled guilty to felony theft of public assistance and was sentenced to 10 years in prison. The sentence was suspended provided the defendant was placed on the intensive supervision probation program, and paid \$3,624 as restitution. The defendant failed to report a \$10,000 insurance settlement check.

Butte-Silverbow County- defendant pled guilty to felony fraudulent obtaining of public assistance. Imposition of sentence was deferred for six years provided the defendant was placed under supervision and paid \$24,243 as restitution. For 3 years the defendant had failed to report monthly social security benefits ranging from \$700 to \$800.

Lewis & Clark County- defendant pled guilty to felony theft of public assistance and was sentenced to 10 years in prison with all but 20 days suspended provided the defendant pay \$5,229 in restitution (125% of the public assistance fraudulently obtained), and perform 250 hours of community service. The defendant failed to report income from three employers during a 1 1/2 year period.

Fergus County- defendant pled guilty to felony theft of public assistance. Imposition of sentence was deferred for 6 years provided the defendant was placed under supervision and paid \$4,094 as restitution plus 10%. The defendant failed to report her and her husband's income for about one year.

Ex. #5

3-7-85

## Butte / Silver Bow

# Who gets welfare in Butte? A profile emerges

By Jim Tracy  
Standard Staff Writer  
Welfare recipients in Butte are mostly men between the ages of 26 and 50.

Many moved here looking for a job and most have been on general assistance for six months or less.

That's the profile that is beginning to emerge from a survey conducted by a committee that is studying the local welfare system. Chief Executive Don Peoples hopes to use results of the survey and other information to present to an interim legislative task force that is conducting hearings on welfare statewide.

Welfare and welfare reform are likely to dominate discussion at the 1989 Legislature. Peoples says he wants to make sure the state group has precise information on Butte-Silver Bow, which is one of 12 counties with welfare departments operated by the state.

Although the local survey is not yet complete, preliminary findings indicate that most welfare recipients would work given the opportunity.

Nearly half of the respondents said they are receiving general assistance for one reason: They can't find a job.

Researcher Wendi Hubacka has interviewed 177 people and hopes to

talk to another 50 or so to finish the survey. That would represent nearly half of the people the State Department of Social and Rehabilitation Services office in Butte has on its general assistance rolls.

Hubacka's findings are somewhat skewed since she has interviewed mostly people who have recently applied for general assistance and been referred to a state-funded work program operated by the AFL-CIO and known as Project For People.

But she said she hopes to get a more balanced picture of welfare recipients with her next set of interviews.

In a report to the local committee Wednesday morning, Hubacka noted that men receiving GA outnumbered women 151 to 26.

Among the men, 39 were between the ages of 35 and 50; 49 were between 26 and 35; 25 were 18 to 25 and 18 were over 50.

Sixteen of the women interviewed were 18 to 25.

Eighty-two, or 46 percent of the respondents, said they were on welfare because they couldn't find a job; 30, or 17 percent, said they lacked the education and skills to land a job; 27, or 15 percent, said they needed welfare because of personal or social circumstances; and 15, or 8 percent, said they suffered from medical problems.

Nearly 80 percent, or 140 of the respondents, said they had been receiving general assistance for one to six months. Only 12 responded that they had been on GA for over two years.

Asked how long they had lived in Butte, 43 said less than a month, 44 said one to six months, 15 said six months to a year, eight said one to two years, and 31 said over two years.

Thirty-six of the respondents, or 20 percent, have lived in Butte all their lives, and 54, or 30 percent, had left Butte and returned.

Where did they come from? According to the survey, 104 moved here from out of state and 37 from elsewhere in Montana.

Washington was the last stop before Montana for 11 of the respondents. Ten moved here from California, nine from Wyoming, eight from Oregon, seven each from Idaho and Arizona and six each from Colorado and Nevada.

Helena was listed as the previous residence by nine respondents, Billings was listed by eight and Missoula by six.

But no matter where they came from, 134 said they wanted to make Butte their home. Only 18 said they didn't plan to stay in Butte and 25 were undecided.

Questions about employment produced mixed results.

Fifty-seven answered that they had been employed for more than two years and 55 said they had been employed for six months or less.

Asked why their most recent job ended, 54 said they had been laid off, 51 quit for personal reasons, 41 said the job was only temporary, 13 said they were fired and 12 said they quit for health reasons.

Only six said they had never had a job. Only 47 said they had received unemployment benefits.

Asked what prevented them from finding employment, 49 replied that there were "no jobs."

Thirty-seven said they lacked the skills and education to get a job, 21 cited low wages paid at the available jobs, 20 said they lacked the transportation, clothing or tools needed for a job, and 14 responded that they were disabled.

Others offered more personal reasons for not having a job.

One said he couldn't get along with other people. Another mentioned a prison record. Still another cited racial discrimination.

Fifty respondents said the lack of jobs was the major barrier to employment for most people. Another 45 cited lack of skills; 26 said they were unmotivated; 14 offered that minimum wage jobs don't pay as much as general assistance; and 11 said laziness was a barrier to employment.

## Survey suggestions:

### 'Bust' frauds, find jobs

People surveyed by Wendi Hubacka, a researcher for the chief executive's task force on welfare, also were asked what they would do to improve the system.

They were asked: "What recommendations would you make to legislative leaders on how to reduce general assistance costs and make a more balanced budget?"

Here is a sampling of their answers:

- Workfare is a form of harassment ... wages and salaries are not essential.
- Bust the people who defraud the system ... Get rid of the ones who are ripping off the system. ... Make them a spectacle for everyone else so it won't happen so much.
- Teach social workers what's available in training and teach them how to spot drug abuse and mental illness. ... Recognize what's going on with these people.
- You need to bring in jobs, even if it's for minimum wage, and find investors.
- Cut general assistance to rent alone and work out deals with renters, but still keep Food Stamp.
- Check out the general assistance people and make sure they are legitimate. ... Have people checked out more thoroughly.
- Create more jobs and cut back on how much GA is given to people.
- Have a percentage pay-back if a person receives over and above personal needs.
- Create more jobs where the employer pays part of the wages and the government pays part.
- Send the foreigners back to their own country.

## Ready for life of leisure

# Firefighters checked for wannabes

The Investigations Bureau was established in 1973. The Bureau is funded through federal, liquor revolving, video gaming, and general fund sources. Welfare and Medicaid fraud investigations receive either 50% or 75% federal match depending on the type of fraud. Liquor and gaming investigation activities are designed to 1) protect the public health, welfare, and safety and 2) assure the \$10.5 million in gaming tax and 17 million in liquor system net profit and taxes.

I. Number and type of investigations initiated, completed or closed.

	Completed		Opened		Closed		Issued	
	FY87	FY88	FY87	FY88	FY87	FY88	FY87	FY88
Welfare Fraud			187	200	161	161		
Medicaid Fraud			1	2	0	0		
Video Gaming								
Inspections	859	1933						
Violations							7	39
Warnings							54	302
Backgrounds	288	198						
Special Invest			87	314	60	235		
Liquor								
Inspections	54	139						
Violations							42	38
Warnings							62	95
Special Invest			100	94	78	85		
Backgrounds	1451	1738						
License Invests			619	642	651	522		
Local Law Enforcement Assist			15	11				
<b>Totals</b>	<b>2652</b>	<b>4008</b>	<b>1009</b>	<b>1263</b>	<b>950</b>	<b>1003</b>	<b>165</b>	<b>474</b>

	FY87	FY88
Welfare Fraud Criminal Convictions	32	24
Collections-Expenses Dollar loss of fraud investigated and referred for prosecution	\$222,640	\$254,516
Court ordered restitution or collection	\$128,774	\$107,766
Food stamp savings Automatic disqualification	\$ 17,280	\$ 12,960
<b>TOTALS</b>	<b>\$368,694</b>	<b>\$375,242</b>
Program Expenses (federal & state)	\$189,822	\$206,165

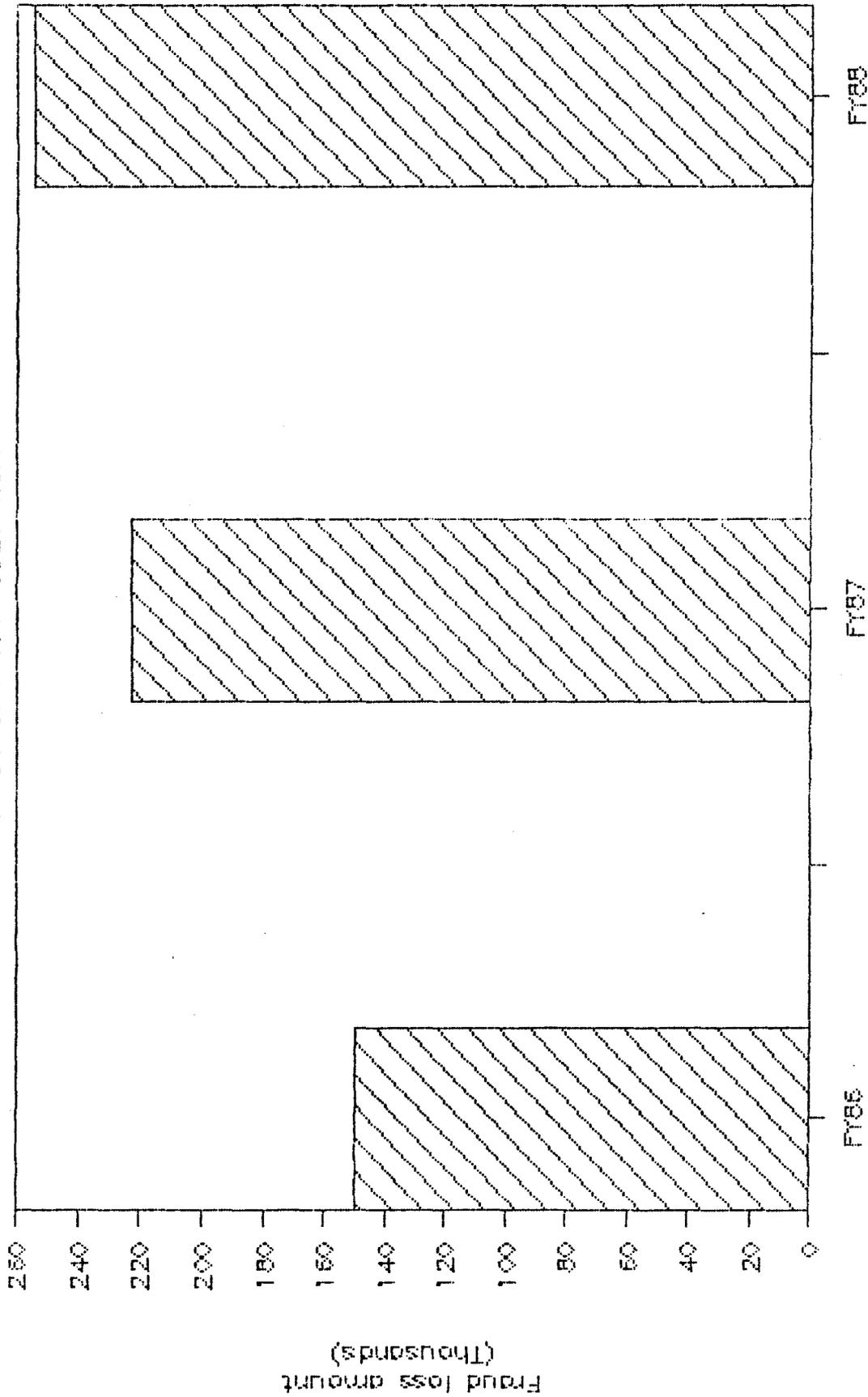
Σx #5  
3-7-85

WELFARE FRAUD INVESTIGATIVE ACTIVITY FY86-88

FISCAL YEAR	REQUESTS FOR PROSECUTION NUMBER	LOSS AMOUNT	RESTITUTION	NEW CASES	CLOSED CASES
FY86	61	\$149,634.97	\$103,505.29	148	497
FY87	57	\$222,640.07	\$128,774.03	187	161
FY88	74	\$254,516.11	\$107,765.55	200	161
Totals	192	\$626,791.15	\$342,044.87	535	819

# \$ LOSS OF WELFARE FRAUD INVESTIGATED

& REFERRED FOR PROSECUTION

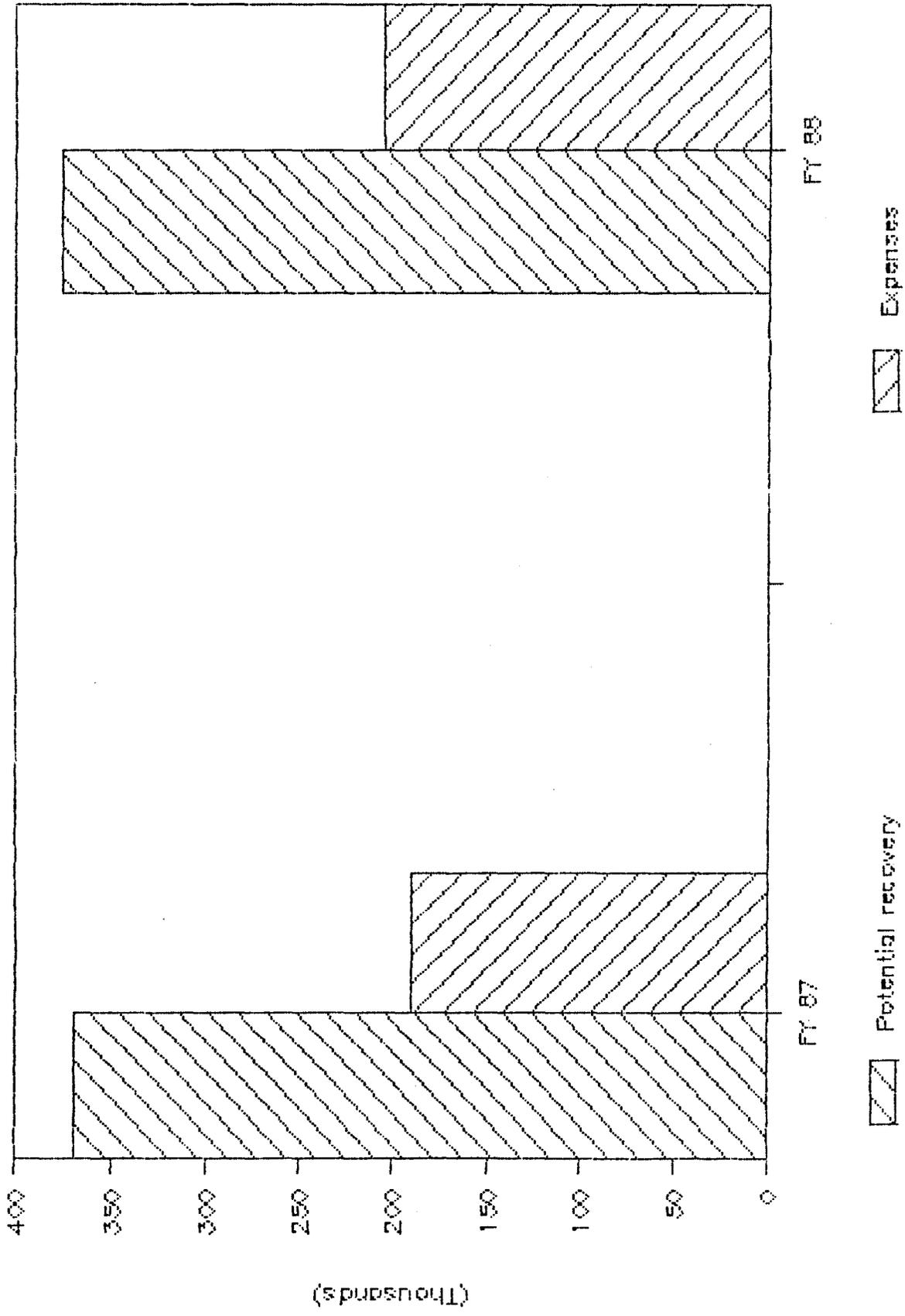


Fiscal years 86-88

Ex #5  
3-7-88

# FRAUD INVESTIGATIONS POTENTIAL RECOVERY

VS. EXPENSES FY87 & FY88



Ex. #5  
3-7-89

DEPARTMENT OF REVENUE  
Investigations Bureau

A D M I N I S T R A T I V E  
M A N U A L

SECTION: ADMINISTRATION

SUBJECT: Firearms Policy

PURPOSE:

- 1) To recognize investigator peace officer status.
- 2) To authorize investigator discretion concerning concealed weapons.
- 3) To clarify use of deadly force.
- 4) To establish standards for investigator qualification and training.
- 5) To standardize weaponry carried by investigators.

AUTHORITY:

By authority of the Montana Codes Annotated, investigators for the Montana Department of Revenue, Investigations Bureau, are designated peace officers and as such are authorized by state law to carry concealed weapons. Sections 16-11-141, 23-5-605, and 44-11-101, MCA.

POLICY:

The Department recognizes peace officer status is a full time designation, and the investigators are subject to the rights and responsibilities associated with that status.

The Department recognizes in some circumstances weapons are necessary for the protection of the investigators and others. Therefore, the policy sets forth requirements for the carrying of weapons by investigators.

The policy is not intended to authorize the carrying of weapons during the normal course of daily duties. The necessity for carrying firearms shall be left to investigator discretion and be based upon the particular situation.

The investigator trainee or probationary investigator will be prohibited from carrying weapons without specific approval from the Bureau Chief.

DEPARTMENT OF REVENUE  
Investigations Bureau

A D M I N I S T R A T I V E  
M A N U A L

SECTION: ADMINISTRATION

SUBJECT: Firearms Policy

Before an investigator is allowed to carry a weapon, the following requirements must be met:

- 1) The investigator must have successfully completed basic firearms training and qualification at the Montana Law Enforcement Academy.
- 2) The investigator must have successfully completed yearly firearms training and qualification as provided by the Department.

Weapon Restrictions

The investigator may carry any weapon provided it is no smaller than .38 calibre. It must be a revolver or semiautomatic with barrel length of 2" to 6". Shotguns will not be carried by the investigator; however they may be required when assisting other law enforcement personnel. Familiarity with the shotgun is desirable and periodic shotgun training will be provided by the Department.

Discharge of Weapon

Any time an investigator discharges his/her weapon in the line of duty (excluding training), a complete report describing the reason for the discharge will immediately be provided by the investigator to the Bureau Chief.

Use of Deadly Force

Use of force, likely to cause death or severe bodily injury, may only be used if the investigator believes such force is necessary to prevent imminent serious bodily harm or death to him/herself or others or to prevent the commission of a forcible felony. Sections 45-3-101 and 45-3-102, MCA.

3-7-87

DEPARTMENT OF REVENUE  
Investigations Bureau

A D M I N I S T R A T I V E  
M A N U A L

SECTION: ADMINISTRATION

SUBJECT: Firearms Policy

If possible all reasonable alternatives to the use of deadly force must be considered.

Warning shots are strictly prohibited. The only time a weapon will be discharged in the line of duty is when the situation meets the requirements of Sections 45-3-101 and 45-3-102, MCA.

Firearms Safety.

In order to protect him/herself and others from serious injury through accidental discharge, the investigator will handle his/her weapon in a safe manner at all times.

The Department's firearms instructor will be in charge of all firearms training and qualification and shall have the authority to remove or restrict anyone from the firing line at such training.

Approved   
Rick Day  
Investigations Bureau Chief

POSITION DESCRIPTION

1. Current Classification Title: Revenue Investigator I  
Class Code: 168150  
Grade: 13  
Position Number: 4121

Proposed Classification Title: Revenue Investigator II  
Class Code: 168151  
Grade: 14  
Position Number: 4121

2. Department of Revenue  
Investigations & Enforcement Division  
Investigations Bureau

3. Old Livestock Building  
Helena, Montana 59620  
(406) 444-2846

4. Name of Employee: Tom Oberweiser  
Prepared By: Management and Employee

5. Duties And Responsibilities Of Work Unit

The primary function of the investigators of the Department of Revenue, Investigations & Enforcement Division, is the investigation of matters pertaining to alcoholic beverage control (16-1-101, MCA), fraudulent obtaining of public assistance (53-2-107, MCA), tobacco tax enforcement (16-11-141, MCA), food stamp trafficking (45-6-312, MCA), medicaid fraud (53-6-111, MCA) and video gaming control (23-5-601, MCA). Other investigations are performed as the director may deem necessary relating to department regulations and for gathering information related to criminal or civil action to which the department or the State of Montana is a party.

6. Describe The Duties And Responsibilities Of The Position

Senior investigators are designated as peace officers with full authority of arrest, search and seizure. Receives referrals from the central office and supervisors which contain requests for regulatory activities and investigation of suspected violations of departmental regulations or state laws, or requests for services as called for by the Director of DOR or the Governor's Office. Independently investigates matters involving alcohol beverage, tobacco tax, welfare fraud, food stamp trafficking, video gaming control in an assigned area. Maintains the highest level of personal honesty and professional integrity.

Ex. #5  
3-7-89

# OATH OF OFFICE

STATE OF MONTANA  
Lewis & Clark }  
County of \_\_\_\_\_ } ss.

Thomas Oberweiser

I, \_\_\_\_\_ do solemnly swear (or affirm) that I will support, protect and defend the constitution of the United States, and the constitution of the state of Montana, and that I will discharge the duties of my office ( \_\_\_\_\_ Revenue Investigator I \_\_\_\_\_ ) with fidelity (so help me God).

Sworn to and subscribed before me this 5<sup>th</sup> day of August, A. D. 1989

Thomas Oberweiser

Ray A. Justice

Helena MT

3-15-91



Ex. #5  
3-7-89



# STATE OF MONTANA

DEPARTMENT OF REVENUE  
INVESTIGATION DIVISION

IN SERVICE TRAINING  
FIREARMS TRAINING AND QUALIFICATION

CERTIFICATION THAT INVESTIGATOR Tom Oberwiser HAS SUCCESSFULLY  
COMPLETED TRAINING IN THE USE OF THE HANDGUN AND POLICE SHOTGUN ON AUGUST 3, 1988  
IN HELENA, MONTANA

QUALIFICATION SCORE 96 %

MIKE OTTERBERG  
FIREARMS INSTRUCTOR  
MONTANA DEPT. OF REVENUE  
INVESTIGATIONS BUREAU

COMMENTS:









