

MINUTES

MONTANA SENATE 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Vice Chairman Al Bishop, on March 21, 1989, at 10:00 a.m. in Room 325.

ROLL CALL

Members Present: Chairman Bruce Crippen, V. Chairman Al Bishop, Senators Tom Beck, Mike Halligan, Bob Brown, Joe Mazurek, Loren Jenkins, R. J. "Dick" Pinsoneault, John Harp and Bill Yellowtail.

Members Excused: None.

Members Absent: None.

Staff Present: Staff Attorney Valencia Lane and Committee Secretary Rosemary Jacoby

Announcements/Discussion: None.

HEARING ON HOUSE BILL 571

Presentation and Opening Statement by Sponsor:

Representative Dave Brown of Butte, representing District #72 opened the hearing. He said the main purpose of the bill was to increase the number of remaining months of a prisoner's sentence from 15 to 24 months before the prisoner is eligible to participate in the supervised release program. The bill was drafted at the request of the Criminal Justice and Corrections Advisory Council, he said. It was approved by former Governor Schwinden and not objected to by Governor Stephens, he stated. He assured the committee that only qualified inmates would be released in this program. The job placement officer and the inmate would have to appear before the Board of Pardons and present a plan for education and treatment, as well as find a sponsor, he said. Local officials would be notified by the parole or probation officers, he added, and said the inmate would retain inmate status like a pre-release inmate. Methods of revocation and conditions were also provided, he said. The program had not been utilized much he commented, but said this would be another tool to relieve prison overcrowding.

List of Testifying Proponents and What Group they Represent:

Dave Fuller, Chairman of Lewis and Clark County
Commissioners and former Chairman of the governor's
Correction Advisory Council

List of Testifying Opponents and What Group They Represent:

There were none.

Testimony:

Dave Fuller said the council worked for 15 months and came up with many recommendations. This is a small program to provide supervised release and furlough program. The Board of Pardons interviewed 89 inmates in 1987 and 1988 and allowed 35 to go out of the prison on the program. It would give the Board of Pardons an additional tool to address the question of overcrowding, he stated.

Questions From Committee Members: There were none.

Closing by Sponsor: Rep. Brown closed.

At this point in the hearing Chairman Crippen returned to the hearing and assumed the gavel.

DISPOSITION OF HOUSE BILL 571

Discussion: None.

Amendments and Votes: None.

Recommendation and Vote: Senator Halligan MOVED that House Bill 571 BE CONCURRED IN. The Motion PASSED by a vote of 9 to 1 with Senator Jenkins voting NO.

HEARING ON HOUSE BILL 401

Presentation and Opening Statement by Sponsor:

Representative Dave Brown of Butte, representing District #72, opened the hearing saying that similar legislation had been heard last session and had ended up in an interim study. He said the bill's purpose was to authorize the Department of Institutions to permit probation and parole officers to carry firearms and concealed weapons under certain conditions. The bill also provides training,

supplies and equipment, he added. The recommendation for the bill came from the Criminal Justice and Advisory Council as well as from parole and probation officers. All parole and probation officers were surveyed with 7 questions and 30 indicated they had been threatened or assaulted in the course of their duties. Circumstances included making arrests in potentially risky situations, searching high risk clients, and making home visits to high risk clients where law enforcement is not readily available for backup. Other situations were in pre-sentence jail investigations, office interviews and transporting clients, he stated. In the past, there had been 12 death threats, 10 instances involving firearms, 8 instances involving knives or sharp instruments, 3 threatening phone calls to officers homes and 1 threat of sexual attack to a female officer. He urged the committee's support of the bill.

List of Testifying Proponents and What Group they Represent:

Curt Chisolm, Department of Institutions
Mike Ferriter, Department of Institutions and also
representing the probation officers
Terry Minnow, Montana Federation of Teachers, Montana
Federation of State Employees and affiliated local
Montana Federation of Probation and Parole
Officers

List of Testifying Opponents and What Group They Represent:

There were none.

Testimony:

Curt Chisolm said he had appeared as an opponent when the same legislation was heard during the last session. He changed his mind after further study and conversations with the parole field staff. This was a conservative, safe approach to the problem, he said, which contained an appropriations section and a training provision.

Mike Ferriter said his job was in the Community Corrections Division. He said the survey mentioned by Rep. Brown included all Montana probation officers, all county sheriffs, all police chiefs, all district court judges and all other adult probation authorities in the United States. He submitted the results of the survey to the committee (see Exhibit 1).

The results of the survey overwhelmingly approved of probation officers carrying firearms, he said. He mentioned areas that would require strict rules and was contingent on

the appropriate training. Presently, 3200 parolees are being supervised in the state of Montana. High risk situations do come up and this bill would answer a need, he indicated.

Terry Minnow strongly supported the bill. The parole officers had told her, she said the bill was necessary for their protection in high risk situations. She urged concurrence of the bill.

Questions From Committee Members: Senator Jenkins asked why police officers didn't assist in high risk situations, and Mike Ferriter said parole officers were instructed to ask for backup. However, they are sometimes required to do routine home checks and assistance might not be available. Searches of residences without search warrants can sometimes provide a dangerous situation, he said. In addition, he told the committee, parole officers are sometimes asked to assist law enforcement officers.

Senator Jenkins asked why a training school, separate from the Law Enforcement Academy in Bozeman, was being set up. Mr. Ferriter said the committee had looked at a variety of training possibilities and concluded that training at Montana State Prison would be fiscally correct.

Senator Beck asked if rules from the 26 states that now have this act would be used in Montana. Mr. Chisolm said they would be a frame of reference.

Senator Crippen asked why the Law Enforcement Academy wasn't being considered for the training. Mr. Chisolm said that would be explored, but thought there was a possibility that the cost would be prohibitive. Firearms training is already provided at the Montana State Prison for the correctional officers, and the same kind of training could be used by the probation and parole officers. He stressed that these people would be screened before being allowed to take the training. He also said that only well-trained personnel would be allowed to carry firearms.

Closing by Sponsor: Rep. Brown apologized for not having parole and probation officers appear at the hearing. He thought their presence might indicate more clearly the importance of the bill. He said the bill would cost \$27,000 the first biennium and \$25,000 the second biennium approximately. He said the House did not send the bill to appropriations, because it was considered a policy decision that the legislature had to make. Once the decision, it

will have to be included in the Department of Institutions budget. He urged concurrence of the bill for the protection of the officers and the rest of society. He said that Senator Mazurek would carry the bill on the floor of the Senate.

DISPOSITION OF HOUSE BILL 401

Discussion:

Amendments and Votes: There were none.

Recommendation and Vote: Senator Pinsoneault MOVED that House Bill 401 BE CONCURRED IN. The MOTION CARRIED on a vote of 7 to 3, the NO VOTES being cast by Senators Jenkins, Yellowtail and Crippen.

HEARING ON HOUSE BILL 592

Presentation and Opening Statement by Sponsor:

Representative Fritz Daily of Butte, representing District #69, opened the hearing. He said the bill had been requested by the Billings Fire Department and provided a requirement of restitution for costs to suppress and investigate a fire in cases of arson. The bill would be an answer to the problem of persons burning buildings when taxes are owed, he said. It would provide a lien against an insurance payment to a person convicted of arson.

List of Testifying Proponents and What Group they Represent:

Tim Bergstrom, Montana State Firemen's Association
Lonny Larson, Billings Fire Department
Roger Glenn, Independent Insurance Agents of Montana
John Cadby, Montana Bankers Association
Ray Blehm, Montana Fire Marshall
Lyle Nagel, Montana State Volunteer Firefighters

List of Testifying Opponents and What Group They Represent:

There were none.

Testimony:

Tim Bergstrom asked to be put on record in support of the bill.

Lonny Larson said he had attended courses in arson detection given by the National Fire Academy, the basic and advanced

courses given by the state fire marshall's office, the Denver course and arson explosion school by the Wyoming State Fire Marshall and currently holds certification in the uniform fire and building codes which are adopted by the state. He said the state was quite active in fire prevention, but was "reactive" in the case of arson, that is action taken after a fire occurs. He said there are three types of fires: natural, mechanical and incendiary. The arson-caused or suspicious fires were about 14% of the total in Billings in 1978, he told the committee, and were up to approximately 29%. Arson is expensive, deteriorates neighborhoods, loses jobs and taxes. He said it is estimated to cost \$700 per fire, per truck, to fight a fire in Billings. Mr. Larson urged the committee to pass the bill as a start in combatting the problem.

Roger Glenn said he supported any effort in protecting and assisting local authorities to curtail arson. He wanted to call attention to the fact that the bill does not only address arson fires, but other fires, as well. It could, he said, affect innocent owners who did not commit arson. Most insurance policies say that, if a fire damage exceeds \$1,000, the property must be repaired or replaced, the insurance proceeds will be on an actual cash value basis, rather than a replacement basis. Another thing that would have to be taken into consideration, he said, is additional living expense incurred by the litigant, which would have nothing to do with the tax lien. He said it was his understanding that there were current laws that dealt with property liens. He didn't oppose the bill, but just wanted to clarify that innocent parties who did not participate in arson could be affected.

Ray Blehm said that in 1987, the state had 170 incendiary and 207 suspicious fires, yet had only 10 to 20 convictions. If you included plea bargains, he said, there might be another 10, adding up to a 10% conviction ratio. The first part of the bill, he thought would help fire departments recover some of their cost. Prosecutors don't seem too interested in prosecuting arson, but recovering costs might prove to be an incentive, he said. The second part dealing with innocent victims having difficulties collecting insurance proceeds may need some amendment, he commented. However, proponents are more than willing to work on it, but he felt the section was important to include. He hoped it would prevent people from taking the insurance money and "going to Texas". It might, he thought, remove arson incentives.

Lyle Natel said the typical volunteer fire department works on a limited budget. If taxes aren't paid, he commented, their budgets are not funded. He urged passage of the bill.

Questions From Committee Members: Senator Beck asked about insurance payment regarding a partial burn of a house with a delinquent tax payment. Mr. Glenn said he, too, was concerned about that. Most homeowners policies are written on replacement cost basis, he stated. In a case of partial or total loss, unless the repair is made, insurance payment is actual cash value (less depreciation). If a roof is burned that is 15 or 20 years old, the cash value is less than the replacement cost.

Senator Jenkins asked if most bank loans were put in escrow. Mr. Cadby said that most insurance premiums and taxes are placed into a reserve fund, but said some residential loans are not in escrow. Senator Jenkins thought most bank loans required paid up taxes. An unidentified banker said that they generally do, but added that the county would have first lien in case someone slipped up and the taxes became delinquent. He also pointed out that an arsonist does not necessarily have to be a property owner. Another point he wanted the committee to consider was that a failing business renting a building might have incentive for arson.

Closing by Sponsor: Representative Driscoll said that if the committee had a problem with section 2, he would suggest deleting it if necessary to save the bill. He closed the hearing.

DISPOSITION OF HOUSE BILL 592

Discussion: The committee discussed the possibility of amending the second section, but said that one of the proponents had suggested passing it out of committee in its present form and amending it on the floor of the Senate.

Amendments and Votes: None.

Recommendation and Vote: Senator Halligan MOVED that House Bill 592 BE CONCURRED IN. The MOTION CARRIED by a vote of 9 to 1 with Senator Beck voting NO. It was announced that Senator Walker would carry the bill.

HEARING ON HOUSE BILL 576

Presentation and Opening Statement by Sponsor:

Representative Randy Roth of Billings Heights, representing District #96, said he viewed the bill as a "small business" bill, an attempt to keep small businesses operating and paying taxes. Current law requires metering of keno machines effective July 1, 1989. Because the metering devices are not available in sufficient quantities, said Rep. Roth, keno machine owners cannot comply with the July 1 deadline. On that date, they will either have to quit using their machines which not have been retrofitted with the metering devices, or buy and install new machines which meet the requirement. This means considerable more expense to the machine owners, he said. Instead of the \$1,500 retrofitting cost, it would be \$4,000 to \$5,000 cost for a new machine. The bill asked for a delay in the effective date until December 31, 1990. There was only one adapter approved by the state, and very few are available, he said.

List of Testifying Proponents and What Group they Represent:

Representative Bob Pavlovich of Butte, representing himself and District #70
Bill Anders, Capital Music Inc.
Randy Reger, Gold Nugget Casino
Larry Akey, Video Keno Coalition
Walter Jakovich, Butte bar owner
Sid Smith, Helena owner of the Bingo Palace
Marc Racicot, Montana Attorney General

List of Testifying Opponents and What Group They Represent:

Tim Clavin, himself

Testimony:

Rep. Bob Pavlovich said the bill passed out of the House committee 2 to 1. He said that last session when the metering requirement was put in, it provided for the July 1, 1989 date to give time to have the meters installed. At the time that bill was heard, machine owners were assured that the retrofits would be available in plenty of time. It takes the department a long time to OK the retrofits, and it

takes a shop 2 or 3 weeks to OK the individual machine before installing it, he added. There were 2,900 used machines that fall into the category of needing the retrofits, he stated. He urged passage of the bill.

Bill Anders read testimony into the record (Exhibit 2). He also said this was a simple, honest bill to postpone the requirement of a printer for electronic auditing of keno machines. He explained how the printer worked and showed rolls of records that must be kept for 3 years. He said the Department of Commerce has admitted they don't have time to audit these records, as it is a time-consuming job. The main reason for the bill, he said, is the lack of available retrofits for the keno machines. He said the machines help support many people in Montana, that his business supported 15 families who spend their money locally. If there is no postponement, he stated, it would be bad for the economy.

Randy Reger said that 2900 out of the 4500 keno machines operating in Montana will not conform to the metering law. Most have been bought within the past 3 years with the promise from the distributors that the retrofits would be available, he told the committee. He said it takes 60 to 90 days for the state to approve a device and they are in short supply, in addition to the time running out. He urged support of the bill and distributed a handout, entitled: "Video Gaming Machines Licensed per month during Fiscal Year 1989" (See Exhibit 3).

Larry Akey said that the bill not only gave an extension but tightened specifications. In addition, keno machine manufacturers have informed him that most of the machines presently being manufactured have been allocated to South Dakota. He said that, even if people wanted to buy new machines, they would not be able to get them before the July 1 cutoff date. As to the \$3.4 million revenue loss for the state and cities and counties some opponents of the bill had addressed on the House floor debate, he disagreed and said there would be a revenue loss if the bill does not pass. He felt the computations of the Video Gaming Control Bureau were totally unreliable. He said the computations assume that all the old machines would be replaced by new ones, but many operators cannot do that; thus, there would be only 1,200 new machines in use after July 1, instead of 4,500, creating a loss of revenue.

(See Exhibit 4)

Walter Jakovich gave written testimony supporting the bill.
(See Exhibit 5)

Sid Smith said he would have to replace his 10 machines if the bill did not pass. He said interest had been raised, fees had been raised and now this requirement, all creating problems. He urged support of the bill.

Marc Racicot said he testified because the gaming machines fall under the jurisdiction of the Attorney General's office. He showed the committee the hardware for the "soft meters" and "hard meters". He indicated that the hard meters could easily be tampered with. He also pointed out that there would not be enough auditors to serve all these machines. In addition, he said there was a significant difference in income from the grandfathered keno machines (\$31) and from the machines not grandfathered (\$55), indicating a of \$4 million from the first and around \$9 from the second. He felt the attorney general's office needed the authority to provide that games across the state have the same degree of integrity across the state. He distributed Exhibits 6 and 7 to the committee indicating the "Keno Machine Net Income Comparison" and an "Attachment" which indicated the investigation and enforcement costs.

Tim Clavin appeared as an opponent, saying that a lot of machines cannot be upgraded with a retrofit which could cause a lot of law suits. He felt the bill could cause enough trouble to lead to a loss of gambling entirely. He submitted a suggested amendment to the committee (see Exhibit 8). He said that it would extend the effective date until December 31, 1989.

Questions From Committee Members:

Senator Jenkins asked why the retrofits weren't available to adapt the keno machines. John Willems, Bureau Chief of Video Gaming Control, said that his office had nothing to do with the manufacture of these kits. He said his office becomes involved when the kits are submitted for testing and approval to meet state law requirements.

Senator Jenkins asked if the office had sent warnings to manufacturers about the short supply of the kits. John Willems said they hadn't. He said that the first kit was submitted for approval on January 16, 1989 and was approved late last week. He felt the manufacturers were already aware of the large number of machines that are out of conformity with the state law. Senator Jenkins noted that the law was originally worked on in 1985, passed in 1987 with a 2-year effective date, and said that nothing had been done to make sure the kits were available. Mr. Willems answered that state law had allowed the machines to stay in

use and that the department wasn't given any authority, other than taxing and licensing. Senator Jenkins asked why the machines were allowed to be resold and Mr. Willems answered that they shouldn't be.

Senator Mazurek said he understood the machines had been originally left in use to allow owners to derive enough revenue to afford to buy new machines. Randy Reger said he has legally bought machines 1, 2, 3 and 4 years ago which need to be retrofitted. He said the manufacturers told him the kits would be available, but he could not get any. John Willems said the issue for his bureau is to enforce the law which states that the machines that do not conform will have to be removed on July 1. He said he had expressed concern in the 1987 session regarding the grandfathering of the machines in question.

Senator Crippen asked why it took the department so long to authorize machines. John Willems said the laboratory testing is very exhaustive to insure that the machines will offer fair gaming as required by statute. He said the 60 to 90 day process is less than in some states and were about half the cost of the New Jersey tests.

Senator Yellowtail asked if Mr. Reger had pursued a civil remedy against the manufacturers. He said no, because he only had an oral contract. He said, in addition, that there were no retrofits for many of the 50 kinds of keno machines that are made.

Senator Harp asked about the different types of machines. John Willems said there were only 7 or 8 approved machines, but that there were others which were not licensed and were in use in the state before licensing was required.

Senator Harp said it appeared to him that John Willems was taking a "rap" he didn't deserve. He felt the problem was within the industry and if they couldn't find a solution to the problems, they would not be credible in the state.

Senator Mazurek asked about the revenue generated for the state by the machines and John Willems referred him to the exhibit distributed to the committee by the Attorney General.

Senator Crippen asked how Larry Akey felt about the Clavin suggested amendment. He said the 6-month extension might solve a problem for people owning machines that fit Mr. Clavin's retrofit kit. However, he said, it was just an assumption by Mr. Clavin that the department will authorize

the kit. He said he would resist the Clavin amendment. He didn't want the House amendment stripped that tightened specifications.

Senator Crippen asked the attorney general how he felt about the Clavin amendments, which seemed to conflict with SB 431, a general revision of the gambling statutes. Attorney General Racicot said he thought there should be consistency with SB 431 which seemed likely to be passed. He wasn't really for or against it.

Senator Mazurek asked what was the average age of the grandfathered keno machines. Larry Akey said the records were not available, but that he thought 3 or 4 years, because they would have had to be in the state by July of 1987.

Senator Jenkins asked if Mr. Clavin's kit been approved and John Willems said it had not been submitted to the department for approval. Only one had been approved and that one, only in the last few days, he stated. Senator Jenkins said he wished to apologize to Mr. Willems for being harsh in his questioning.

Closing by Sponsor:

Rep. Roth said he wished to answer the testimonies inferring the possibility of cheating with the keno machines. These machines are already very well protected against cheating, he said. He said the audit ratio of the department indicated only 4% problem in that area. He said his documentation did not show a loss of revenue resulting from this bill. He, also, wanted to point out to the committee that the memory in the soft meter shown by the attorney general would be erased by a power surge. That is the meter that feeds information into the required printer, he told the committee. This bill, he said required both soft and hard meters, but there are some machines that cannot be adapted to conform with the law. Those machines, he said, were not accommodated by this bill and would be taken out of service on July 1. He blamed the manufacturers for not producing the retrofits, because they made more money selling new machines. He pointed out that an additional problem for machine owners was that SB 431 doubled the license fees. He urged the passage of the 18-month extension and closed the hearing.

DISPOSITION OF HOUSE BILL 576

Discussion: Senator Yellowtail asked if the machine owners didn't have some legal recourse against the manufacturers

for not providing the retrofits and Senator Mazurek said an oral contract was enforceable with proof.

Amendments and Votes: Senator Pinsoneault MOVED to amend the bill granting a 12-month extension.

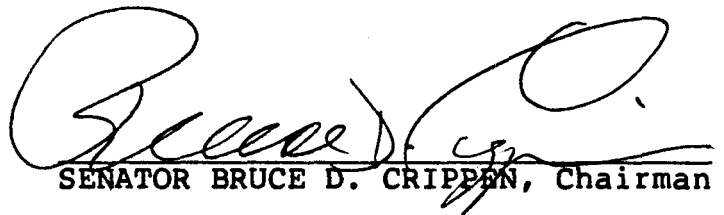
After some discussion, Senator Brown MOVED TO TABLE the bill. The MOTION FAILED by a voice vote of 3 to 7, with Senators Brown, Mazurek and Yellowtail voting YES.

Senator Pinsoneault's MOTION TO AMEND PASSED by a vote of 6 to 4 with Senators Brown, Halligan, Mazurek and Yellowtail voting NO.

Recommendation and Vote: Senator Jenkins MOVED that HOUSE BILL 576 BE CONCURRED IN AS AMENDED. The MOTION CARRIED by a vote of 7 to 3, with Senators Jenkins, Yellowtail and Crippen voting NO.

ADJOURNMENT

Adjournment At:12:20 p.m.



SENATOR BRUCE D. CRIPPEN, Chairman

BDC:rj

ROLL CALL

JUDICIARY

COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date 3-21-89

NAME	PRESENT	ABSENT	EXCUSED
SENATOR CRIPPEN	✓		
SENATOR BECK	✓		
SENATOR BISHOP	✓		
SENATOR BROWN	✓		
SENATOR HALLIGAN	✓		
SENATOR HARP	✓		
SENATOR JENKINS	✓		
SENATOR MAZUREK	✓		
SENATOR PINSONEAULT	✓		
SENATOR YELLOWTAIL	✓		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

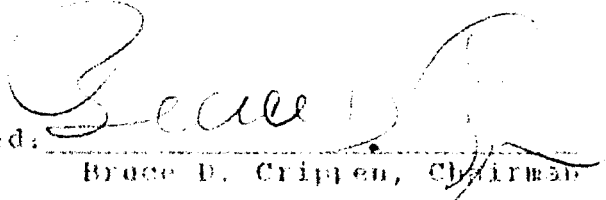
March 21, 1989

MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration HB 571 (third reading copy -- blue), respectfully report that HB 571 be concurred in.

Sponsor: Roth (Lynch)

BE CONCURRED IN

Signed: 

Bruce D. Crippen, Chairman

4/10
3/21/89
2:19
P.M.

SENATE STANDING COMMITTEE REPORT

March 21, 1989

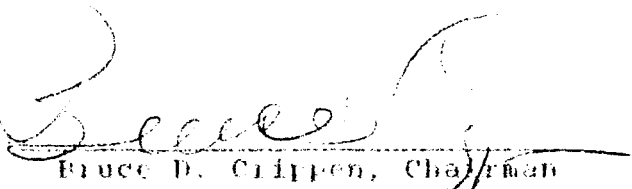
MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration HB 401 (third reading copy -- blue), respectfully report that HB 401 be concurred in.

Sponsor: Brown, D. (Hazurek)

BE CONCURRED IN

Signed


Bruce D. Clifton, Chairman

Handwritten note:
4/12/89
3:19 p.m.

SENATE STANDING COMMITTEE REPORT

March 21, 1989

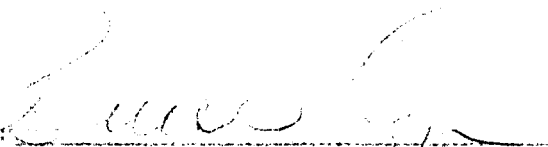
MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration HB 592 (third reading copy -- blue), respectfully report that HB 592 be concurred in.

Sponsor: Driscoll (Walker)

BE CONCURRED IN

Signed:


Bruce D. Crippen, Chairman

41.0.18
3/21/89
2:19 p.m.

SENATE STANDING COMMITTEE REPORT

March 22, 1989

MR. PRESIDENT:

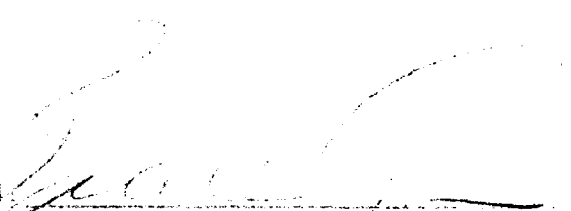
We, your committee on Judiciary, having had under consideration HB 576 (third reading copy - blue), respectfully report that HB 576 be amended and as so amended be concurred in:

Sponsor: Keith (Lynch)

- 1. Page 3, line 1.
- Strike: "DECEMBER 31"
- Insert: "June 30"

AND AS AMENDED BE CONCURRED IN

Signed


Bruce D. Crippen, Chairman

Handwritten notes:
4/10/89
Crippen

Arriter Ex 1

DEPARTMENT OF INSTITUTIONS

SENATE JUDICIARY

EXHIBIT NO. 1

DATE 3-21-89

BILL NO. HB 401



TED SCHWINDEN, GOVERNOR

1539 11TH AVENUE

STATE OF MONTANA

(406) 444-3930

HELENA, MONTANA 59620-1301

December 1, 1988

President of the Senate
Speaker of the House of Representatives
Capitol Station
Helena, MT 59620

Dear Sirs:


Pursuant to the provisions of HB 650, Chapter 572, Montana 50th Legislative Session, I am hereby submitting for your consideration, a report prepared by an internal department committee which studied in detail the issue of Parole and Probation field staff carrying firearms in certain situations.

I have reviewed the report and find that its research data and subsequent recommendations are acceptable. Therefore, I recommend that this report be accepted by your respective assemblies as the official position by this Department on the matter. Additionally, and again pursuant to the provisions of Chapter 572, I have submitted a request for a bill draft for appropriate enabling legislation which, if passed, would grant clear statutory authority to our agency to allow for the arming of Parole officers in certain and restricted circumstances.

In our judgment, the enabling legislation should simply be a one statement addition to Section 46-23-1002, MCA, granting permissive authority to the Department with rule making authority within which the department could administer the specifics relative to policy and procedure. Additionally, the proposed legislation should exempt our Parole Officers from the concealed weapon provisions of Section 45-8-317, MCA. The implementation of these proposals would also require an appropriation to this department and would be requested in conjunction with the passage of the enabling legislation.

I trust that you will find the report and its recommendations a prudent and reasonable adjustment to long standing tradition that has very infrequently allowed the use of firearms by our field staff. I can assure you that the Department will very cautiously and prudently grant such authority under the provisions of what we are now proposing and only in the interest of the public safety, the officer at risk, and the safety of the supervised clients.

Sincerely,


CARROLL SOUTH, Director
Department of Institutions

CS:bt

cc: Governor Schwinden

Thirty-three officers indicated that they support the carrying of firearms. Sixteen of those officers indicate that law enforcement back-up is not readily available when called upon. This situation was cited most frequently in rural areas and in those areas in which law enforcement agencies are understaffed. Five officers indicated they did not support the carrying of firearms.

Most of the officers were personally interviewed by telephone regarding the incidents cited above. It is obvious to the Committee that Probation and Parole Officers are often faced with situations in which their safety and the safety of others may be in jeopardy due to circumstances that they cannot control. Due to the statutory responsibilities placed upon these officers, they frequently find themselves in such predicaments. The powers of arrest and search appear to be job functions which often lead to confrontations with clients in which the officer must at times act without assistance from law enforcement.

Survey of County Sheriffs

Questionnaires were also sent to all 56 county sheriffs in Montana regarding Probation and Parole Officers carrying firearms. (See Attachment B) Forty-five sheriffs supported the concept of officers carrying firearms, three were opposed, four were undecided, and four provided no response. The general consensus of those in support was that Probation and Parole Officers frequently are involved in a hazardous occupation similar to that of a peace officer. They deal primarily with a convicted felon population, many of whom have a history of violence which is threatening to the personal safety of the P&P Officer.

Several sheriffs said that since Probation and Parole Officers have arrest and search powers, they are placed in dangerous situations where immediate assistance from law enforcement is not always available. Clients who are arrested for probation or parole violations often blame the officers and make threats toward them. The sheriffs did express the concern that if armed, all Probation and Parole Officers should be required to receive the proper training in the use of firearms.

The sheriffs who opposed officers carrying firearms felt that probation and parole officers work together with law enforcement officers and should not allow themselves to be put into positions of endangerment. However, experience has demonstrated that P&P Officers are placed in such positions involuntarily. In these instances, the Committee supports the position of the peace officers that a responsibility for mutual protection exists and that the officer should not be an additional liability to law enforcement. This is clearly the position held by those in law enforcement who support the concept.

In addition to the questionnaire being completed by the sheriffs, the three regular members of the Board of Pardons were also surveyed. Two of those members were in favor of the Probation and Parole Officers carrying firearms and one was opposed.

Survey of Police Chiefs

There are 63 police chiefs in the State of Montana. Fifty police chiefs responded to the survey. Forty-eight police chiefs are in favor of Probation and Parole Officers carrying weapons and two are opposed.

Those in favor of arming the Probation and Parole officers indicate that, due to the nature of the job and of the clientele served, the Probation and Parole Officers required a firearm for protection. The police chiefs indicate a need for mutual protection between local law enforcement and Probation and Parole Officers. Police chiefs recognize that at times, there is a lack of quick response from their agencies in special circumstances, or in rural settings. This group also is of the opinion that a Probation and Parole Officers has the constitutional right to protect himself, to exert authority over clients, to protect bystanders, to protect the client, and to have the ability to be more effective in the field when necessary.

The two opposed stated that dangerous offenders should be incarcerated and not present in the community. Secondly, they indicated that weapons can be taken away by a client and used against a Probation and Parole Officer. (See Attachment C)

Survey of District Court Judges

Thirty-six Montana district court judges were surveyed. Twenty-five of the judges responded.

Six judges stated they either had no opinion or were ambivalent relative to Probation and Parole Officers being armed. Seven judges did not support the concept. Twelve judges were in favor of officers carrying firearms. (See Attachment D)

Those judges in favor of carrying firearms cited the following reasons for their support:

- a. self protection;
- b. nature of clientele;
- c. confrontive situations facing Probation and Parole Officers;
- d. judges' expectations of the duties of Probation and Parole Officers;
- e. for public security; and
- f. because of threats received.

Those judges opposed gave the following reasons:

- a. officers should request the assistance of qualified peace officers;
- b. too expensive;
- c. the time spent for training could be better used pursuing the goals of rehabilitation;
- d. opposition to anyone carrying firearms except police officers, sheriffs officers, and highway patrolmen; and
- e. no reason for it.

Survey of Other States

Questionnaires were sent out to the other 49 states. Forty-five were returned. No response was received from Arkansas, North Dakota, Texas, and Vermont.

Twenty-six states require or allow Probation and Parole Officers to carry firearms:

- a. Five states require firearms while on duty. They are Alabama, Maine, Nevada, New York, and Utah.
- b. One state allows firearms routinely, that being California.
- c. Twenty states allow firearms to be carried only under specific conditions which include:
 1. For purposes of self-defense and the defense of others;
 2. To make an arrest or assist in the arrest of violators wanted for violent crimes;
 3. When transporting prisoners;
 4. When off-duty and commuting between office and home;
 5. When working in high-crime areas;
 6. When threats have been lodged against the employee or his/her family;
 7. To, from, and during firearms training;
 8. Only in the performance of intensive supervision work;
 9. To prevent or suppress a riot, mutiny, or serious disturbance;
 10. To prevent an escape, or when the threat of escape exists;
 11. During court or hearing appearances when requested by the presiding judge or hearings officer;
 12. When confronting individuals who have demonstrated the propensity to commit violence;
 13. When the agency supervisor determines that an employee's life is in danger;
 14. In any situation deemed necessary by the agency supervisor of Field Services;
 15. When performing field investigations;
 16. When conducting searches;

17. When there is perceived danger.

When asked to specify reasons for developing policies allowing the use of firearms, these states provided the following responses:

1. To establish the authority for the carrying of a firearm and to spell out the required procedures on qualifications and training;
2. Officers have limited peace officer status;
3. Officers are required to make unscheduled visits to parolees at home and employment. They are also required to transport and arrest violators in many situations. The nature of the job requires parole officers to be part police officer and part counselor;
4. Their state legislature authorized the carrying of firearms;
5. Labor union effort and an increase in numbers of serious and hard-core offenders on caseloads. Also, the attitude of the community in some areas toward all types of authority caused some concern for officers who visit high-crime areas;
6. Because officers were carrying all types of firearms and ammunition;
7. Policy was promulgated to establish standards for training, type of weapon permissible and certification all of which focus on reducing liability of officers and the agency.
8. Advised by state attorney general;
9. In response to officers' requests to carry firearms while on duty;
10. To clarify prior policy which indicated officers could carry firearms on an "as-needed" basis;
11. Have found through experience that many probationers and parolees carry weapons and are prone to violence.
12. Initially, arming of parole officers was the result of a lawsuit brought by the employee union. The authority was then placed in state statute.
13. Due to a lack of training and liability issues.

In twenty-seven of the responding states, there was no noticeable change in the officers carrying out their job responsibilities when armed. All states responding to the question about the number of times firearms were discharged annually indicated 0-10 times. The responsibility for the purchase of firearms is assumed by the agency in 14 states, by the officer in nine states, and by either or both in three states. The responsibility for purchase of ammunition is

assumed by the agency in 16 of the responding states, by the officer in six states, and by either or both in four states. (See Attachment E)

Assigned Duties of Probation and Parole Officers Wherein Confrontation is Possible

Montana Probation and Parole Officers are required to fulfill a variety of job duties and responsibilities. Probation and Parole Officers (class code 195017) job duties include the following:

1. Supervise clients by making an assigned number of face-to-face contacts as outlined by supervision standards. In addition, Probation and Parole Officers supervise persons during their probation or parole in accordance with conditions set by the court or the Parole Board (Sections 42-23-1011 & 1021, MCA).
2. Conduct face-to-face investigations with individuals awaiting sentencing.
3. Testify in district court and in informal hearings relative to sentencing and revocation of clients.
4. Arrest clients when an alleged probation violation exists (Section 46-23-1012, MCA).
5. Arrest clients when an alleged parole violation exists (Section 46-23-1023, MCA).
6. Transport prisoners under special circumstances at the request of the Department of Institutions, or as a courtesy to law enforcement or the courts.
7. Conduct searches of clients, their homes, automobiles or body fluids as required by the courts or the Board of Pardons.

CONCLUSIONS

Given the duties and responsibilities placed upon the P&P officers by statute and department policy, and;

Given the fact that the fulfillment of these duties creates situations that, at times and under special circumstances, are potentially dangerous (and in many cases have been demonstrated to be dangerous) for the officer and the public at large, and;

Given the fact that these same situations have prompted 26 other state jurisdictions, which is over half of the 50 states, to authorize their respective P&P field staff to arm themselves in one fashion or another, and;

Given that the duties of the Montana P&P staff are almost totally compatible with those of other states, and;

Given the facts of the matter considered by the committee, which include those areas required by House Bill 610, therefore;

The committee recommends that the department support the concept of Probation/Parole Officers being allowed to carry firearms, with supervisory approval, under the following special circumstances:

a. When Making Official Arrests in Anticipated High-risk Situations:

Probation and Parole Officers have been given the statutory authority to arrest probationers and parolees without a warrant when, in that officer's opinion, the person has violated his probation or parole conditions (Sections 46-23-1012 and 46-23-1023, MCA). The enforcement of these conditions requires diligent monitoring of client activities. When there is evidence of violations, arrest will often occur. Therefore, officers are obligated to make arrests at any time of the day or night in various locations and situations. This may or may not include the assistance of law enforcement personnel. As indicated by the survey, law enforcement officials feel that, even when they are available, the Probation and Parole Officers should be allowed to protect themselves. Information received further suggests that law enforcement assistance is becoming less available due to manpower shortages among law enforcement agencies. Probation and Parole Officers additionally perform these arrests in the homes of known offenders, in rural areas in which law enforcement assistance is generally unavailable, in bars, on the streets and in areas where legal jurisdiction is bifurcated. Not only should Probation and Parole Officers be allowed to protect themselves, but also they may be placed in positions in which they are obligated to protect the public. Since a majority of the states do allow their officers to carry firearms, clients from those states being supervised in Montana most likely perceive that officers in this state are armed. Although this is presently a misconception on the part of that client population, the possibility does exist that such a perception could result in the injury or death of one of our officers in the event of a confrontation.

Therefore, when an arrest must be made, the officer, in consultation with his supervisor, must determine that he is placed at considerable risk before being allowed to carry a firearm. Considerations should include the client's recent history under supervision, past record of violent behavior, the location in which the arrest will be made, whether or not law enforcement will assist and, if so, whether or not the law enforcement agency requests that the parole officer be armed.

b. When Transporting Prisoners in High-risk Situations:

Probation and Parole Officers are called upon to transport prisoners being held under the authority of the Department of Institutions in several circumstances. Law enforcement assistance will always be requested. Generally, law enforcement personnel will assist with transporting and, since officers know in advance that transportation of a prisoner is necessary, no firearm is required. If the person to be transported has a history of aggression toward authority, has ever escaped custody by force, or has been convicted of a crime involving violence, the committee considers the officer to be at risk.

Consideration should be given to arming the officer in these cases and under the following circumstances:

- i. from jail to on-site hearings; (Often, the prisoner is released to the custody of the parole officer by the jailer.)
- ii. from the field office to jail;
- iii. from various community locations (bars, homes, etc.) to jail; and
- iv. from other states back to the State of Montana for extradition purposes when Montana State Prison staff is not available for transporting.

Many of the clients whom we serve have a demonstrated propensity toward violence and are unpredictable in their behavior. Under the above scenarios, clients are also faced with the emotional stress of being incarcerated, sometimes for an extensive period of time.

c. When Conducting Home Visits in High-risk Situations:

Although the Committee is recommending that Probation and Parole Officers be allowed to carry firearms, it recognizes a fundamental philosophy of the Department of Institutions to rehabilitate offenders through the establishment of helping relationships of a social work nature. Therefore, the agency does promote home visits by the Probation and Parole Officers to determine the socioeconomic and family conditions of their clients. Such counseling activities include the entire client population. These home visits may place the officers in dangerous situations. In instances in which home visits are conducted in some of the state's high crime areas, or rural locations in which the officer may be subjected to potentially threatening situations, arming the officer may be reasonable and necessary. Such authority should be extended to those situations in which home visits are conducted on known offenders who have exhibited patterns of violent behavior and are classified as "maximum" for supervisory purposes.

d. When Conducting Violation Investigations in High-risk Situations:

Probation and Parole Officers must investigate suspected or alleged violations of the conditions of supervision expressed by the courts or the Board of Pardons. Most often, these investigations are of a minor nature, and will most likely be resolved through discussion, counseling or revision of expectations. However, situations arise in which clients involved in the officer's investigation have demonstrated unpredictable, violent behavior, they may be under the influence of drugs or alcohol, and are potentially dangerous to the officer or other individuals. Further, when individuals are placed in positions in which their liberty is in jeopardy (i.e., the investigation of alleged violations), the potential of violent or unpredictable behavior on the part of some clients is great. Therefore, among the higher risk client groups, (those classified as maximum risk or convicted of an offense involving the use of a weapon), officers should be allowed to carry firearms when conducting such investigations.

e. When Conducting Searches on High-risk Clients:

Probation and Parole Officers have the statutory authority to search both probationers and parolees (Sections 46-23-218, 46-23-215, and 46-23-1011, MCA). In nearly every case, officers are further ordered to search clients, their homes and automobiles by court order. Without this authority it would be difficult, if not impossible, to determine compliance with the conditions of release. Searches present threatening and emotional circumstances within the relationship between the client and the Probation and Parole Officer. As stated in the situations surrounding investigations, some individuals being searched are potentially dangerous and volatile. They are often concealing illegal substances or items which may result in their return to incarceration or in the filing of new charges. Therefore, when searching clients with extensive histories of violence or weapons possession, the officer should be armed if unaccompanied by law enforcement personnel. This is particularly true if reasonable expectation exists that a physical confrontation will occur or if the search is being conducted for the possession of weapons with reasonable cause.

The Firearms Committee has drafted a proposed policy for consideration by the Department of Institutions should the Legislature approve the carrying of firearms by Probation and Parole Officers. The policy addresses several issues which must be considered by the Department before implementing any approved legislation. These areas include:

- a. authorization prerequisites (training);
- b. utilization;
- c. methods of carrying firearms;
- d. control and storage of firearms;
- e. investigations and reports; and
- f. pre-employment briefing requirement.

SUMMARY

In summary, the Firearms Committee presents this report to provide a clear picture of the issues relative to the development of a Probation and Parole firearms policy. The topic of a permissive firearms policy for Montana Probation and Parole Officers has been debated for several years and has been aired in a variety of arenas. The pros and cons of a Firearms Policy are as numerous as the number of officers serving the agency. Surveying a variety of sources provides a clear picture of the issue. The anticipated result of the firearms study is that a firearms policy will be passed by the Montana Legislature which will prove to be in the best interest of the agency, its employees and the clientele served.

MONTANA PROBATION AND PAROLE OFFICER SURVEY

Survey Completed December 1987

Information compiled by:

The Firearm Study Committee

MONTANA PROBATION AND PAROLE OFFICER SURVEY

Number of officers responding: 38

Question #1: Describe your duties and responsibilities as a probation and parole officer.

The following is a list of the most common responses and the number of officers who responded similarly.

1. Write reports (PSIs, violations, investigations)	20
2. Supervise/monitor clients	15
3. Perform home visits on clients	8
4. Meet with clients	7
5. Testify in court	7
6. Perform searches	7
7. Provide counseling to clients	4
8. Protect community	4
9. Incarcerate clients	4
10. Verify information	2
11. Enforce P&P Conditions	2
12. Contact clients	2
13. Refer clients to other agencies	2

MONTANA PROBATION AND PAROLE OFFICER SURVEY

Number of officers responding: 38

Question #2: Please describe what job-related duties, if any, have placed you in a physically threatening position.

The following is a list of the most common job duties that P&P officers feel put them in a physically threatening position. The information also includes the number of officers who responded similarly.

1. Arrests	24
2. Home visits	14
3. Searches	10
4. Confronting clients	2
5. Testify in court	2
6. Taking urine samples	2
7. Office visits	2
8. Performing investigations	
9. Transporting clients	1
10. Enforcing P&P conditions	1
11. Type of clients	

MONTANA PROBATION AND PAROLE OFFICER SURVEY

Number of officers responding: 38

Question #3: Have you ever been reluctant to carry out your job duties because of a lack of protection? If yes, explain.

12 officers indicated they are not reluctant to carry out job duties because of a lack of protection.

26 officers indicated they are reluctant to carry out job duties because of a lack of protection.

The following is a list of explanations for the officer's feelings. The information also includes the number of officers who responded similarly.

- | | |
|---|---|
| 1. Arresting or assisting law enforcement officers in the arrest of clients | 9 |
| 2. Performing searches on clients | 7 |
| 3. Visiting clients at home | 7 |
| 4. Interrogating or confronting clients | 3 |
| 5. Transporting clients | 2 |
| 6. Type of clients | 2 |
| 7. Some clients may be armed | 1 |

MONTANA PROBATION AND PAROLE OFFICER SURVEY

Number of officers responding: 38

Question #4: Have you ever been physically threatened or assaulted? Please provide specifics.

8 officers indicated they have never been assaulted or threatened.

30 officers indicated they have been assaulted or threatened.

The following is a list of circumstances or locations where the threats or assaults occurred. The information also includes the number of officers who responded similarly.

1. Threatened following court action	14
2. Threatened while arresting client	11
3. Threatened while performing a search	9
4. Threatened in county jail/institution	9
5. Threatened doing home visit or contact outside office	5
6. Threatened while performing PSI interview	3
7. Threatened in office following a client reporting	2
8. Threatened while transporting client	2

The attempted assaults or threats reported by the P&P offices included:

- 12 death threats;
- 10 incidents physically involving firearms;
- 8 incidents physically involving a knife or a sharp instrument;
- 3 threatening phone calls to officer's home; and
- 1 threat of sexual abuse directed toward a female officer.

MONTANA PROBATION AND PAROLE OFFICER SURVEY

Number of officers responding: 38

Question #5: If threatened or assaulted, would you have done anything differently if you possessed a firearm?

20 officers indicated they would have done nothing different if they possessed a firearm.

6 officers indicated they would have done things differently if they possessed a firearm.

12 officers made no comment on the question.

Of the six officer reporting they would have done things differently, three indicated they would have drawn their firearms in specific situations.

MONTANA PROBATION AND PAROLE OFFICER SURVEY

Number of officers responding: 38

Question #6: Do you support the concept of Montana State Probation and Parole Offices carrying firearms? If so, please explain.

33 officers indicated they support the concept.

5 officer indicated they do not support the concept.

The following is a list of explanations for the officers' responses of support for the concept. The list includes the number of officers who responded similarly.

- | | |
|--|----|
| 1. The decision to carry a firearm should be the <u>choice</u> of the individual officer | 15 |
| 2. Officers should be allowed to carry firearms because of the "type" of clients they work with. | 8 |
| 3. Officers in rural/isolated areas have little law enforcement backup; therefore, they should be permitted to carry firearms. | 8 |
| 4. To assist law enforcement in the arrest and search of P&P clients. | 8 |
| 5. Officers should be allowed to carry firearms because clientele is unpredictable and they may be carrying firearms. | 8 |
| 6. Clients believe P&P offices presently carry firearms. | 2 |
| 7. In order to prevent a tragedy. | 2 |

MONTANA PROBATION AND PAROLE OFFICER SURVEY

Number of officers responding: 38

Question #7: Is law enforcement backup readily available when called upon?

22 officers indicated backup was readily available.

16 officers indicated backup was not readily available.

Officers indicated that backup was not readily available in rural areas and in some areas because some law enforcement agencies are "short staffed."

DEPARTMENT OF INSTITUTIONS



TED SCHWINDEN, GOVERNOR

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STATE OF MONTANA

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HELENA, MONTANA 59620-1301

RESULTS OF FIREARMS SURVEY

There are 63 police chiefs in the State of Montana (Medicine Lake no longer has a police department). Fifty police chiefs responded to the survey. Forty-eight police chiefs are in favor of Probation and Parole Officers (PPOs) carrying weapons and two are opposed to it.

The following is a prioritized list of reasons for and against PPOs carrying weapons. It is weighted according to the number of times the reason was mentioned by police chiefs.

Chiefs in Favor of Weapons

- ▶ Protection of PPOs (nature of the job, type of person PPOs deal with) (43)
- ▶ Mutual protection of assisting law enforcement officers (7)
- ▶ Lack of quick assistance from law enforcement in special circumstances or in rural settings (6)
- ▶ A constitutional right to protect oneself (4)
- ▶ To enhance authority over clients (2)
- ▶ Protection of bystanders (1)
- ▶ Enable PPOs to be more "aggressive" and effective in the field (1)
- ▶ Protection of client (1)

Chiefs Opposed to Weapons

- ▶ Dangerous offenders should be incarcerated, and not in the community (1)
- ▶ Weapons can be taken away by client and used against PPO (1)

Summary

According to the survey, it can be stated that an overwhelming majority of the Chiefs of Police in Montana are in favor of Probation and Parole Officers carrying firearms.

Results of Firearms Survey
Page 2.

Summary

According to the survey, it can be stated that an overwhelming majority of the Chiefs of Police in Montana are in favor of Probation and Parole officers carrying firearms.

STATE OF MONTANA
DEPARTMENT OF INSTITUTIONS
HELENA

To Mike Ferriter **Date:** 12/28/87
From Randy Gowen
Subject Firearms Survey

Survey of House Bill 610 was mailed to all 36 Montana District Judges. The question asked dealt with the issue of Montana Probation/Parole Officers carrying firearms. Twenty-five of the judges responded in the following manner:

6 judges stated they had no opinion or "maybe" P&P Officers should have the right to carry a firearm

7 judges stated no. Some of these judges gave a few reasons.

12 judges stated yes. Many outlined in detail why P&P Officers should carry firearms.

This information was obtained and compiled by Probation/Parole Officer Randy Gowen.

RESPONSE TO QUESTIONNAIRE REGARDING P/P OFFICERS CARRYING FIREARMS 12/87

STATE X after state = P/P officers can/do carry firearms.	OPERATES PROB PAROLE	DEFINED PEACE OFFICERS	WRITTEN POLICY	DEVELOPMENT EXPLANATION	ATTITUDE CHANGE	INCREASED ASSAULTS	# TIMES FIREARMS DISCHARGED (average)	PURCHASE RESPONSIBILITY (agency/officer) FIREARM AMMO.	COMMENTS:
ALABAMA	X	YES	YES	Same powers of arrest as state sheriff since 1939.	NO	NO	0 - 10	0 A	Required.
ALASKA	X	NO	YES	Regular development of policies and procedures.	NO	NO	0 - 10	A	Not routinely.
ARIZONA	X	NO	NO		NO				Not allowed.
CALIFORNIA	X	YES	YES	Lawsuit brought by union.	NO	NO	0 - 10	A	Allowed routinely.
COLORADO	X	YES	YES	Long history of "as needed" basis.	YES	NO	0 - 10	0/A	Not routinely.
CONNECTICUT	X	NO	YES	Lethal weapons require written policy.	NO	NO	0 - 10	A	Not routinely.
DELAWARE	X	YES	YES	Belief that P/P officers do not need to be armed.	NO				Not allowed.
FLORIDA	X	NO	YES	Belief that P/P officers do not need to be armed.	NO				Not allowed.
GEORGIA	X	YES	YES	Nature of duties; high risk.	YES	NO	0 - 10	A	Not routinely.
HAWAII	X	NO	YES	To ensure that P/P officers do <u>not</u> carry firearms.	YES				Not allowed.
IDAHO	X	YES	YES	Lethal weapons require written policy.	NO	NO	0 - 10	A	Not routinely.
ILLINOIS	X	YES	YES	Part of original departmental procedures specifications.	NO	NO	0 - 10	0	Not routinely.
INDIANA	X	NO	YES	To ensure that P/P officers do <u>not</u> carry firearms.	NO				Not allowed.

R E S P O N S E T O Q U E S T I O N N A I R E R E G A R D I N G P / P O F F I C E R S C A R R Y I N G F I R E A R M S 12/87

STATE X after state = P/P officers can/do carry firearms.	OPERATES PROB PAROLE	DEFINED PEACE OFFICERS	WRITTEN POLICY	DEVELOPMENT EXPLANATION	ATTITUDE CHANGE	INCREASED ASSAULTS	# TIMES FIREARMS DISCHARGED (average)	PURCHASE RESPONSIBILITY (agency/officer) FIREARM AMMO.	COMMENTS:
IOWA		YES	YES	See state-by-state notes.					Not allowed.
KANSAS	X	YES	YES	To ensure that P/P officers do <u>not</u> carry firearms.					Not allowed.
KENTUCKY	X	YES	YES	Clarification.	YES	NO	0 - 10	0	Not routinely.
LOUISIANA	X	YES	YES	Need for uniform training, safety and handling of firearms	NO	NO	0 - 10	A	Not routinely.
MAINE	X	YES	YES	Clarification.	YES	NO	0 - 10	O/A	Required for ISP officers.
MARYLAND	X	NO	YES	To ensure that P/P officers do <u>not</u> carry firearms.	NO				Not allowed.
MASSACHUSETTS	X	YES	YES	Liability, accreditation issues & inclusion in Field Serv. pol- icy.	YES	NO	0 - 10	A	Not routinely.
MICHIGAN	X	NO	YES	Legislation authorizing use.	NO	NO	0 - 10	0	Not routinely.
MINNESOTA	X	NO	NO		NO				Not allowed.
MISSISSIPPI	X	YES	YES	Part of original departmental policy.	NO	NO	0 - 10	0	Not routinely.
MISSOURI	X	NO	NO		NO				Not allowed.
NEBRASKA	X	YES	NO		NO				Not allowed.

R E S P O N S E T O Q U E S T I O N N A I R E R E G A R D I N G P / P O F F I C E R S C A R R Y I N G F I R E A R M S 12/87

STATE "X" after state indicates P/P officer can or must carry firearm on duty.	OPERATES		DEFINED PEACE OFFICERS	WRITTEN POLICY	DEVELOPMENT EXPLANATION	ATTITUDE CHANGE	INCREASED ASSAULTS	# TIMES FIREARMS DISCHARGED (average)	PURCHASE RESPONSIBILITY (agency/officer)		COMMENTS;
	PROB	PAROLE							FIREARM	AMMO.	
NEVADA	X	X	YES	YES	Lethal weapons require written policy.			0 - 10	0	0/A	Required.
NEW HAMPSHIRE	X	X	YES	YES	Legislation authorizing use.	NO	NO	0 - 10	A	A	Not routinely.
NEW JERSEY		X	NO	NO		YES					Not allowed.
NEW MEXICO	X	X	YES	YES	Legislation authorizing use.	NO		0 - 10	0	0	Not routinely.
NEW YORK	X	X	YES	YES	Have had policy since inception of agency.	NO		0 - 10	A	A	Required.
NC. CAROLINA	X	X	NO	YES	Directive from Attorney General's office.	NO	NO	0 - 10	A	A	Intensive supervision officers; not routinely.
OHIO	X	X	NO	YES	Liability issues.	NO	NO	0 - 10	A	A	Not routinely.
OKLAHOMA	X	X	YES	YES		NO			A	0/A	Not routinely.
OREGON	X	X	YES	YES	Contingency planning.	NO		0 - 10	0	0	Not routinely.
PENNSYLVANIA	X	X	YES	YES	Union. Perceived need due to community attitude toward authority.	NO	NO	0 - 10	A	A	Not routinely.
RHODE ISLAND		X	NO	NO							Not allowed.
SO. CAROLINA	X	X	YES	YES		YES	NO	0 - 10	A	A	Not routinely.

RESPONSE TO QUESTIONNAIRE REGARDING P/P OFFICERS CARRYING FIREARMS 12/87

STATE	OPERATES PROB. PAROLE OFFICERS	DEFINED PEACE OFFICERS	WRITTEN POLICY	DEVELOPMENT EXPLANATION	ATTITUDE CHANGE	INCREASED ASSAULTS	# TIMES FIREARMS DISCHARGED (average)	PURCHASE RESPONSIBILITY (agency/officer) FIREARM AMMO.	COMMENTS:	
SO. DAKOTA	X	NO	YES	To ensure that P/P officers do not carry firearms.	NO				Not allowed.	
TENNESSEE	X	NO	YES	To ensure that P/P officers do not carry firearms.					Not allowed.	
UTAH	X	YES	YES	Liability issues.	NO	NO	0 - 10	O/A	Required.	
VIRGINIA	X	NO	YES	To ensure that P/P officers do not carry firearms.	NO				Not allowed.	
WASHINGTON	X	YES	YES	Requests by officers.	NO			0	Not routinely.	
W. VIRGINIA	X	NO	YES						Not allowed.	
WISCONSIN	X	NO	YES	To ensure that P/P officers do not carry firearms.					Not allowed.	
WYOMING	X	NO	YES	Lack of training; liability issues.	YES				Not allowed.	
45 states responded.	26	YES..24 NO....20	YES..39 NO....6		YES...9 NO....27	YES.....0 NO.....20	0 - 10 in 24 responding states.	A...14 0.....9 A/O.....3	A...16 0....6 A/O...4	See results tallied below.

P/P officers are required to carry firearms in 5 states: ALABAMA, MAINE, NEVADA, NEW YORK and UTAH.

P/P officers are allowed to carry firearms routinely in 1 state: CALIFORNIA

P/P officers are allowed to carry firearms under certain conditions but not routinely in 20 states: ALASKA, COLORADO, CONNECTICUT, GEORGIA, IDAHO, ILLINOIS, KENTUCKY, LOUISIANA, MASSACHUSETTS, MICHIGAN, MISSISSIPPI, NEW HAMPSHIRE, NEW MEXICO, NORTH CAROLINA, OHIO, OKLAHOMA, OREGON, PENNSYLVANIA, SO. CAROLINA and WASHINGTON.

P/P officers are not allowed to carry firearms under any conditions in 19 states: ARIZONA, DELAWARE, FLORIDA, HAWAII, INDIANA, IOWA, KANSAS, MARYLAND, MINNESOTA, MISSOURI, NEBRASKA, NEW JERSEY, RHODE ISLAND, SO. DAKOTA, TENNESSEE, VIRGINIA, W. VIRGINIA, WISCONSIN and WYOMING.

SUMMARY OF QUESTIONNAIRE RESPONSES:

- * 49 questionnaires were sent out; 45 were returned. No response was received from ARKANSAS, NORTH DAKOTA, TEXAS and VERMONT.
- * 26 states require or allow P/P officers to carry firearms:
 - a. 5 require firearms while on duty: ALABAMA, MAINE, NEVADA, NEW YORK and UTAH. (Intensive supervision officers only, in Maine.)
 - b. 1 allows firearms routinely: CALIFORNIA.
 - c. 20 allow firearms to be carried under specific conditions only: ALASKA, COLORADO, CONNECTICUT, GEORGIA, IDAHO, ILLINOIS, KENTUCKY, LOUISIANA, MASSACHUSETTS, MICHIGAN, MISSISSIPPI, NEW HAMPSHIRE, NEW MEXICO, NO. CAROLINA, OHIO, OKLAHOMA, OREGON, PENNSYLVANIA, SO. CAROLINA and WASHINGTON.
- * 19 states don't allow P/P officers to carry firearms under any conditions: ARIZONA, DELAWARE, FLORIDA, HAWAII, INDIANA, IOWA, KANSAS, MARYLAND, MINNESOTA, MISSOURI, NEBRASKA, NEW JERSEY, RHODE ISLAND, SO. DAKOTA, TENNESSEE, VIRGINIA, W. VIRGINIA, WISCONSIN and WYOMING.
- * 28 states operate Probation Programs.
- * 42 states operate Parole Programs.
- * 26 states operate both Probation and Parole Programs.
- * In 24 of the responding states, P/P officers are defined as peace officers; in 20 responding states, they are not designated as such.
- * 39 states have written policy regarding the carrying of firearms, 10 of which are written specifically to forbid their being carried.
- * In 27 of the responding states, there was no noticeable change in officers' carrying out job responsibilities; 9 states indicated a change.
- * All states responding to the question about the number of times firearms were discharged annually indicated 0 - 10 times.
- * Responsibility for purchase of firearms is assumed by the agency in 14 responding states, by the officer in 9 states and by either or both in 3 states.
Responsibility for purchase of ammunition is assumed by the agency in 16 responding states, by the officer in 6 states and by either or both in 4 states.

STATE - BY - STATE NOTES - FIREARMS POLICY

- ALABAMA All P/P officers are required to carry firearms while on duty.
Use restricted to: 1) self-defense
2) lawful request of another peace officer
3) to protect life of self or other while witnessing a violent felony.
Warning shots prohibited.
Shooting from a moving vehicle prohibited.
Officers must requalify annually.
-
- ALASKA P/P officers may carry firearms when authorized and under specific conditions; not routinely.
Warning shots are allowed only when it appears that deadly force is necessary to prevent the occurrence of a violent crime.
-
- CALIFORNIA Officers are allowed to carry firearms routinely while on duty if they have been trained, have qualified and are authorized.
Firearms are to be used only as defensive weapons.
Warning shots are prohibited.
Semi-annual review of compliance with prerequisites is required.
No personal weapons allowed.
Firearms must be concealed at all times.
Officers will be armed while transporting parole violators.
-
- COLORADO Officers do not carry firearms routinely while on duty.
May be authorized: 1) when involved in an arrest
2) when transporting a prisoner
3) when there is probable cause to believe that a weapon is necessary to protect life of self or others.
Officers must give supervisor notice of intent to carry prior to incident, if possible. (This requirement is currently being debated, as problems have arisen.)
Officers must requalify annually.
-
- CONNECTICUT Officers do not carry firearms routinely, but all officers must qualify.
Department issued firearms only.
Use restricted to: 1) apprehension of parolee/inmate
2) specific authorized circumstances where deemed necessary.
Use of force permitted only to protect life - not to prohibit escape.
-
- GEORGIA Officers do not carry firearms routinely while on duty.
May be authorized: 1) when transporting parolees
2) when involved in arresting parolees
3) when on official business in a high risk area
4) other approved situations where deemed necessary.
Weapons must be concealed at all times.
-
- IDAHO Officers carry firearms on "as needed" basis only.
Officers must requalify annually.
(Policy was not sent)
-
- ILLINOIS Only agents supervising adult releasees are allowed to carry firearms, but all officers must qualify.
Use limited to: 1) transporting committed person
2) protect, arrest, apprehend, reconfine committed person
3) to fill assigned security positions requiring firearms training/qualification.
4) training/qualification.
Officers must obtain a Weapons Authorization Identification Card.
Requalification annually.
Department issued handguns only.

IOWA Probation and Parole Programs are operated by statewide community-based corrections system funded through Community/Correctional Services Department, but are locally administered. One of the community-based programs passed local policy authorizing P/P officers to carry firearms. This policy precipitated a great debate and resulted in the Board of Corrections approving an administrative rule which prohibits local boards from adopting policy authorizing P/P officers to carry firearms. Local boards are in the process of appeal through the administrative rules process which will probably end up in the legislature for resolution. In the meantime, no P/P officers are carrying firearms while on duty.

KENTUCKY P/P officers are authorized to carry firearms only:

- 1) when anticipating the arrest of an offender
- 2) when transporting a prisoner
- 3) when working in a high crime area where being armed is deemed necessary for self-protection.

Officers must provide their own weapons .

LOUISIANA P/P officers are deemed to be peace officers with the same powers and immunities as sheriffs, constables, police officers, etc. However, the P/P officers do not carry firearms routinely. Use restricted to:

- 1) self-defense
- 2) protection of others in violent situations
- 3) high crime/risk areas
- 4) when threats have been made against officer or his family
- 5) when arresting or transporting a violator.

P/P officers are on call 24 hours/day, 7 days/week, and, therefore, may have to make judgments on the spur of the moment, so may carry firearms while OFF duty.

Warning shots are prohibited. Firearms may not be used against P/P violators.

Officers must be trained, qualify and be authorized to carry firearms.

MAINE P/P officers who are Intensive Supervision Team members are required to carry issued firearms while on duty.

Other officers may carry if qualified/authorized by supervisor.

Must requalify annually.

Warning shots are prohibited; shooting from a moving vehicle or when there is the possibility of causing injury or death to innocent bystanders is forbidden.

MASSACHUSETTS Officers do not carry firearms routinely while on duty.
Must have valid license to carry a weapon.

Must be a duly authorized Special State Police Officer.

Must have been instructed in policies regarding weapons and use of force.

Must have been trained in use of weapon.

Must have specific authorization from immediate supervisor and the Chief Parole Supervisor.

Use is restricted to:

- 1) high crime areas
- 2) threats against officer or his family
- 3) while involved in arrest/transport of a violator
- 4) training/qualification

Firearms must be concealed at all times.

MICHIGAN P/P officers may elect to carry firearms for defensive use only; intent to disable only is permitted.

No warning shots; no intimidation.

Must have concealed weapons permit and safety inspection certificate. Weapon must be registered to user.

Officers must requalify annually, must complete the safety program and must have attained full civil service status.

Officers must provide their own weapon according to certain specifications.

Weapons must be concealed at all times.

MISSISSIPPI Officers do not carry firearms routinely while on duty.

Must complete training, be qualified and authorized.

Use restricted to 1) self-defense
2) to protect self or others in violent situations
3) arrest, transport violators
4) in court appearances when requested by judge
5) off duty while in transit between home and office

May use only as a last resort, when all other alternatives have failed.

No warning shots permitted.

Weapons must be concealed at all times.

NEVADA All sworn peace officers shall carry firearms at all times except:

1) when consuming alcohol
2) while attending family/social events
3) when prohibited by laws of institutions, organizations or business visited or laws of another state while on business or vacation.

All firearms must be concealed at all times, must be registered and inspected.

Authorized firearms: .38 or .357 caliber with 2-6" barrel for on-duty.
Off duty: revolver or semi-automatic pistol approved by department.

Firearms may not be drawn except for the following reasons:

1) to store it
2) to clean/service it
3) to have it ready in arrest situations which appear to be violent; life must be protected.
4) to be discharged in order to protect life of self or others.

No warning shots permitted.

NEW HAMPSHIRE Officers do not carry firearms routinely while on duty.

Use restricted to 1) transporting or apprehension of violator
2) self-defense
3) protection of life of others in violent situations
4) as a last resort if all else fails.

P/P officers may provide own firearm if weapon is approved by department and officer has qualified with that weapon.

Department issues: Ruger Security Six, 2 3/4" barrel Model 5532 .357 handgun.

NEW MEXICO Officers are granted limited peace officer status and may carry firearms
1) when holding in custody or supervision a person convicted of a criminal offense.
2) during field investigations, surveillance, search/seizure, security during hearings.

Officers must be trained, qualified and authorized.

NEW YORK All P/P officers are required to carry Colt or Smith and Wesson .38 or approved personal weapon while on duty.

Personal weapons must be acquired according to department rules.

No reloaded ammunition.

All officers must requalify semi-annually.

NO. CAROLINA Only Intensive Supervision Program Team members may carry firearms.

Must use only for self-defense or protection of other life, and may not use with intent other than to disable.

Weapons may be concealed or unconcealed.

Warning shots are prohibited.

OHIO Officers who are authorized to carry firearms must complete the basic course in unarmed self-defense.

The Adult Parole Authority shall secure bond for each employee given authorization to carry firearms.

Weapons shall be concealed.

Authorization terminates annually and can be re-issued only through complete requalification.

OKLAHOMA Officers do not carry firearms routinely while on duty.

Weapons must meet department requirements.

Weapons are to be kept in Controlled Storage, and must be checked in and out with the Firearms Control Officer.

Use is restricted to:

- 1) self-defense
 - 2) protection of self or others in violent situations
 - 3) intent to disable after all else fails.
-

OREGON Officers may carry weapons if trained/qualified/authorized.

Use restricted to:

- 1) when and to the extent that it is reasonably believed to be necessary to stop an escape or prevent what would otherwise result in serious injury, loss of life or property.
- 2) times when an order has been given by the functional unit manager unless immediate action is necessary making it impossible to have such an order delivered.

No personal weapons allowed.

PENNSYLVANIA Officers may elect to carry firearms for defensive purposes only. Staff not desiring to carry must submit a Waiver of Firearms Authorization form.

Firearms must be concealed at all times.

Officers must requalify annually.

SO. CAROLINA Officers may carry firearms if trained/qualified/authorized.

Type of firearms is limited to certain specified weapons.

Use is restricted to:

- 1) self-defense
- 2) to prevent an attack with a deadly weapon on a fellow agent
- 3) to protect life of other members of the public.

Officers must complete Defensive Tactics and Legal Liabilities Course.

No warning shots permitted.

No shots will be fired at a suspect who is holding a hostage.

UTAH Officers are armed. Policy is being rewritten at this time.

WASHINGTON Officers are allowed to carry firearms only under special circumstances:

WHEN OFFICER HAS BEEN THREATENED.

- 1) Must complete various training courses.
- 2) Must complete self-protection plan.
- 3) Must purchase official current concealed weapon permit.
- 4) Must have certification.
- 5) Must provide a copy of the formal, written complaint of the threat as filed with law enforcement officials.

May only carry specified firearm and use specified ammunition.

If firearm is drawn it must be for the purpose of self-protection from imminent grievous bodily harm or death.

Involved staff must undergo a critical incident stress debriefing with department psychiatrist or other approved psychiatrist within 48 hours of use of a firearm.

Mr. Chairman - Members of the Committee

#2

For the Record - My name is Bill Sanders
I'm U.P. of Capital Music here in Helena
I'm speaking to-day on behalf of a majority
of the coin operators of Montana

Senate Judiciary
Exhibit 2 3/21/89
HB 576

I'm sure you are all aware that the 1987
Legislature passed a law saying that all video
gambling games must have printers by July 1-1989

Our problem is - and the reason we are all
here to-day is - No body has submitted to the
dept of @ - a Retro Fit Kit that can be approved.

This oney means - July 1-1989 about 2900
video Keao games can no longer be lic. -

H.B. #576 is a very simple - Hard Bill -

Basically all it says is - Any used Video
Keao game - Lic on Jan 1, 1989 that meets all
the Criteria in the present law - and is capable
of giving to D&C - 8 Meter Reading - 4 Led - 4 Meter
that accurate auditing can be lic by D.O.C. for another 18 mos

If the game ~~can~~ is not capable of the 8 meters -

It cannot be licensed -

2. Some people may not like all these meters.
 I'm very in favor of them -
 If my Elect meter fails I have my Mech
 meters to refer to and Vice Versa
 Never have I seen all meters fail at one time.

~~The law says to-day - a Legal Machine must
 have 2 coin Chutes - That's ridiculous
 What does 2 coin Chutes have to do with the play
 of the game - % - Pay out - or anything else - That's~~

The Law Says - a Legal game must have a printer.
 That's Ridiculous - What Does a Printer do?
 It gives you a printed Copy of what your
 Electrical Meters Say -

Go To Nevada ^{or any other place in the world} - The Most Successful of
 The Most policed State in the country.

Try to find printers on their games - None.
 They go by their meters -

- Dept of Commerce will say - We need printers for
Audit Trails - We don't have the personnel to audit
these games -

- you know what - I can believe that -

Here is ~~the~~ a log from one of my locations
~~the~~ We have the same log in all our games

This tells you - - - - -

for any wk - any mo - any 1/4 for the year

Any Auditor can take this log and get a honest - Accurate
Audit in 15 min or less -

Here is a copy of our collections -

It tells you - Mack Lic - C.I. C.O. Net - Loc % 5th %

This has to ~~balance~~ balance with what these Metrics
Readings say -

Here is an Audit Roll from a Draw Paper

We keep these for 3 yrs - Our games are getting
so full of Audit Rolls there is no room for even
tickets - The Auditor has to find the Roll
with Right yr - Right Mo - Right wk - Right Ticket

4 - It's not to bad unrolling these then if
but start rolling them back up -

You will also find that 9-10 times
the ticket you need is in the very center of

I can see after about 2 hrs of confusion
where they don't have the personnel to get the work

This compares to - 10-15 min on my Keno game that
gives them the same information.

They will say - people are cheating -
all I can say is - you pass H.B. 576
and then you tell me people are cheating on you
You Have a Problem - Putting a \$2,000,000
on these games are not going to solve it.

Mr. Chairman - Members of the Committee

I can guarantee you - If H.B. 576 does not
pass - ~~We~~ We all lose - The State - City -
County - our industry -

We at Capital Music certainly don't have

Genesee. to go out and replace all our money
2, p. 1

This means Remote + Borderline Locations that
we barely get our lic. fee back in one year. No Gene.
restrictions with 5 - 2 or 3 -

Having to cut back on numbers means loss of
Lic Fees to State - City - County - Loss of
5% to State - City County

Loss of much needed Revenue to an already
depressed Industry

Capital Music is not a large company
but there is 13 Families Employed -

They spend every cent they make in our
Home Community

If H.B. 576 does not pass that only means
3 or 4 years before I can give a raise.

I can't go to my local car dealer or buy
a new truck when I need it.

I'll be sending all my money to a Money ex
Las Vegas or Reno and a bank in Minn

Mr Charn - members of the Committee

From what I've said - I hope you will
Vote Yes for H.B. 576

Thank You

I will be in the Aud. for questions

Reger Ex. #3

LEGISLATIVE JUDICIARY
EXHIBIT NO. 3
DATE 3-16-89
BILL NO. HB 546

VIDEO GAMING MACHINES
LICENSED PER MONTH
DURING FISCAL YEAR 1989

<u>MONTH</u>	<u>POKER</u>	<u>KENO</u>	<u>BINGO</u>	<u>NUMBER OF MACHINES</u>
June	3,821	2,725	48	6,594
July	508	522	4	1,034
August	144	154	1	299
September	110	167	4	281
October	122	150	2	274
November	55	115	1	171
December	115	199	0	314
January	72	171	0	243
February				
March				
April				
May				
June				
TOTALS	4,947	4,203	60	9,210

2800 +
Grand Total

8406 Active
machine

Akey

Ex 4

SECRET JOURNAL

EXHIBIT NO.

4

DATE

3-16-89

BILL NO.

HB 576

He said he would
bring it to the
secretary, but
never did.

E45

SECRETARY'S OFFICE
EXHIBIT NO. 5
DATE 3-16-89
BILL NO. HB 576

WITNESS STATEMENT

NAME WALTER JACKOVICH BUDGET _____

ADDRESS 3400 Hill Ave; Suite

WHOM DO YOU REPRESENT? Self.

SUPPORT X OPPOSE _____ AMEND _____

COMMENTS: _____

THE BIGGEST PROBLEM IS THE ECONOMIC IMPACT THAT THIS BILL HAS ON THE STATE OF MONTANA AND THE INDUSTRY THAT DERIVES REVENUE.

THERE HAS BEEN NO TESTIMONY PRESENTED THAT THE EXISTING MACHINES ARE DEFICIENT TO COLLECTION OF TAXES OR THAT THEY DO NOT MEET STANDARDS SET FORTH BY LAW.

THE RELIST SHOULD BE ALLOWED BY LEGISLATION AND ALLOW EACH INDIVIDUAL THE OPPORTUNITY TO RUN HIS BUSINESS WITHOUT THE ECONOMIC HANDS AND LOSS OF REVENUE BY NOT BEING ABLE TO PURCHASE NEW EQUIPMENT.

THE STATE AND COUNTY WILL HAVE NO MORE REGULATION PROVISIONS THAN NOW EXIST.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Rasica *Ex 6*

KENO MACHINE NET INCOME COMPARISON

SENATE JUDICIARY
EXHIBIT NO. 6
DATE 3-21-89
BILL NO. HB 576

Grandfathered Kenos vs. State Approved Kenos

	Grandfathered Kenos	State Approved Kenos
Reported Net Income Totals	\$1,563,402.00	\$ 508,728.00
Number of Machines in Sampling	541	100
Quarterly Avg. Machine Income Net Income - # of Machines	\$ 2,889.84	\$ 5,087.28
Daily Avg. Machine Income Quarterly Avg. - 91 days	\$ 31.76	\$ 55.90

With Grandfathered Machine Net Income		With State Approved Machine Net Income	
\$ 31.76	(daily avg)	\$ 55.90	(daily avg)
x 2,582	(# of used kenos)	x 2,582	(# of used kenos)
x 365	(days/year)	x 365	(days/year)
<hr/>		<hr/>	
= \$ 29,931,576.80	(taxable)	= \$ 52,681,837.00	(taxable)
x .15	(15% tax)	x .15	(15% tax)
<hr/>		<hr/>	
= \$ 4,489,736.52		= \$ 7,902,275.55	

TAX LOSS TO STATE: \$ 7,902,275.55
 - \$ 4,489,736.52

 = \$ 3,412,539.03

Conclusion: 43% less net income reported by grandfathered kenos

** This comparison was based on a sampling of licensees that own their own machines.

641 machines sampled.

Sample criteria used: 1st Quarter / Fiscal Year 1989
 Full Quarter Play of Machines
 Owner Reported Net Incomes
 Self-owned Machines

Racicot

647

SENATE JUDICIARY
EXHIBIT NO. 1
DATE 3-21-89
BILL NO. HB 576

ATTACHMENT

REVENUE:

Increase used keno machine license fee from \$100.00 to \$225.00 FY/90, \$200.00 FY/91, with increase going to used machine regulation. Increase over current level FY/90 \$362,500.00, FY/91 \$290,000.00 annually.

EXPENSES;

PERSONAL SERVICES:

3 Auditors @ Grade 13 Step 2 = \$71,549.00
(includes benefits)

OPERATING EXPENSES;

Rent - \$8.00 x 150 sq.ft. x 3 = \$ 3,600.00
Travel - 468 Days @ \$24.96 = 11,681.00
Meals - 468 Days @ \$14.50 = 6,786.00
Gasoline - 72,000 Miles @ 20MPS x 1.10 = 3,960.00
Other Expenses - 750 x 3 = 2,250.00
Vehicle Repair - 400.00 x 3 = 1,200.00

\$29,477.00

EQUIPMENT:

1) 3 portable P.C. + Software @ 7,000.00 = \$21,000.00
2) Office Equipment (3) Chairs (3) Desks = 3,699.00
(3) File Cabinets, (3) Side Chairs
(3) 10 Key Calculators
3) 3 Vehicles @ \$11,000.00 Each 33,000.00

\$57,699.00

TOTAL

\$158,725.00

INVESTIGATION & ENFORCEMENT:

(Contracted with Department of Revenue).
FY/90 \$100,000.00 - FY/91 \$100,000.00

TOTAL COSTS: FY/90: \$258,725.00 FY/91: \$201,026.00

Ex. 8

SENATE JUDICIARY
REPORT NO. 8
DATE 3-21-89
BILL NO. HB 576

SUGGESTED AMMENDMENT FOR H.B. 576
-IM CLAVIN

SECTION 1. A USED KENO MACHINE MAY BE LICENSED UNDER SUBSECTION (1) WITHOUT MEETING THE REQUIREMENTS OF 23-5-609 IF:

A). THE APPLICANT FOR LICENSURE CAN ESTABLISH TO THE SATISFACTION OF THE DEPARTMENT THAT, ON THE DATE OF APPLICATION, HE OWNS OR POSSESSES A MACHINE THAT WAS LICENSED BY THE DEPARTMENT PROIR TO JANUARY 1, 1989.

SECTION 3. EFFECTIVE DATE - TERMINATION. [THIS ACT] IS EFFECTIVE JULY 1, 1989, AND TERMINATES DECEMBER 31, 1989.

VISITORS' REGISTER

Senate Judiciary COMMITTEE

BILL NO. HB 592 DATE 3/21/89
 SPONSOR _____

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Lyle Nagel	Mt. St. Vol. Firefighters Simms mt	HB 592	
Ray Blehm	State Fire Marshal	HB 592	
Henry E. Loker	Mont. State Vol Firefighters Aspen	HB-592	
Terry Minow	MT Fed of State Employees	HB 401	
Lonnie Larsen	Billings Fire Dept.	HB 592	
ROGER Mcbledn	IIAM	HB 592 AMENB	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

DATE March 21, 1989

COMMITTEE ON

Senate Judiciary

2062

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Buel Gunders	Capital Music Inc	576	X	
MARC RAVICAT	AC	576		X
ALY JACKOVICH	Sen.	576	X	
Tom Clewley	TEC VIDEO			X
MARK TRAPTON	CETA	576	X	
Rep Bob Parlorich	HD # 70 - BUTTE	576	X	
RANDY REGER	Gold Nugget Corp	576	X	
Did Smith	SCIF	576	X	
LARRY AKEY	VIDEO KENO COALITION	576	X	

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date 3-21-89 House Bill No. 401 Time _____

NAME	YES	NO
SEN. BISHOP	✓	
SEN. BECK	✓	
SEN. BROWN	✓	
SEN. HALLIGAN	✓	
SEN. HARP	✓	
SEN. JENKINS		✓
SEN. MAZUREK	✓	
SEN. PINSONEAULT	✓	
SEN. YELLOWTAIL		✓
SEN. CRIPPEN		✓

Rosemary Jacoby
Secretary

Sen. Bruce Crippen
Chairman

Motion: Jenkins BCIAA

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date 3-21-89 House Bill No. 576 Time #1

NAME	YES	NO
SEN. BISHOP		✓
SEN. BECK		✓
SEN. BROWN	✓	
SEN. HALLIGAN		✓
SEN. HARP		✓
SEN. JENKINS		✓
SEN. MAZUREK	✓	
SEN. PINSONEAULT		✓
SEN. YELLOWTAIL	✓	
SEN. CRIPPEN		✓

Rosemary Jacoby
Secretary

Sen. Bruce Crippen
Chairman

Motion: Brown - Pahl

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date 3-21-89 House Bill No. 574 Time #2

NAME	YES	NO
SEN. BISHOP	✓	
SEN. BECK	✓	
SEN. BROWN		✓
SEN. HALLIGAN		✓
SEN. HARP	✓	
SEN. JENKINS	✓	
SEN. MAZUREK		✓
SEN. PINSONEAULT	✓	
SEN. YELLOWTAIL		✓
SEN. CRIPPEN	✓	

6. 4

Rosemary Jacoby
Secretary

Sen. Bruce Crippen
Chairman

Motion: Pinsonneault Motion 12 month
respite