

Senate BILL NO. 152

INTRODUCED BY Halliburton
By request Montana Board of Crime Control

A BILL FOR AN ACT ENTITLED: "AN ACT TO REGULATE VOLUNTEER PEACE OFFICERS BY ESTABLISHING MINIMUM QUALIFYING STANDARDS AND AUTHORIZING THE BOARD OF CRIME CONTROL TO ESTABLISH MINIMUM TRAINING STANDARDS FOR SUCH PEACE OFFICERS TO SAFEGUARD THE INTERESTS OF THE PUBLIC."

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

Section 1. Definitions. As used in this act, the following definitions apply:

(1) "Auxiliary officer" means an unsworn, part-time, volunteer member of a law enforcement agency who may perform but is not limited to the performance of such functions as civil defense, search and rescue, office duties, crowd and traffic control, and crime prevention activities. An auxiliary officer has only the arrest authority granted a private person in 95-611.

(2) "General law enforcement duties" means patrol operations performed for detection, prevention, and suppression of crime and the enforcement of criminal and traffic codes of this state and its local governments.

(3) "Law enforcement agency" means a law enforcement service provided directly by a local government.

(4) "Law enforcement officer" means a sworn, full-time, employed member of a law enforcement agency who is a peace officer as defined in 95-210 and has arrest authority as described in 95-608.

(5) "Reserve officer" means a sworn, part-time volunteer member of a law enforcement agency who is a peace officer as defined in 95-210 and has arrest authority as described in 95-608 only when authorized to perform these functions as a representative of the law enforcement agency.

Section 2. Reserve officers. (1) A local government may authorize reserve officers. A person who meets minimum standards for appointment as a peace officer may be appointed as a reserve officer. To be appointed, a person must:

(a) have resided in the state continuously for at least 1 year prior to the appointment and in the county where such appointment is made for a period of at least 6 months prior to the date of the appointment;

(b) be a citizen of the United States;

(c) be at least 18 years of age;

(d) be fingerprinted, and a search must be made of local, state, and national fingerprint files to disclose any criminal record;

(e) not have been convicted of a crime for which he could have been imprisoned in a federal penitentiary or

1 state prison;

2 (f) be of good moral character as determined by a
3 thorough background investigation;

4 (g) be a graduate of an accredited high school or the
5 equivalent;

6 (h) be examined by a licensed physician within 30 days
7 immediately preceding the date of appointment and pronounced
8 in good physical condition; and

9 (i) possess a valid Montana driver's license.

10 (2) No reserve officer may be authorized to function
11 as a representative of a law enforcement agency performing
12 general law enforcement duties after 1 year from the
13 original appointment unless the reserve officer has
14 satisfactorily completed a minimum 88-hour basic training
15 program which must include but need not be limited to the
16 following course content:

17 (a) introduction and orientation — 1 hour;

18 (b) police ethics and professionalism — 1 hour;

19 (c) criminal law — 4 hours;

20 (d) laws of arrest — 4 hours;

21 (e) criminal evidence — 4 hours;

22 (f) administration of criminal law — 2 hours;

23 (g) communications, reports, and records — 2 hours;

24 (h) crime investigations — 3 hours;

25 (i) interviews and interrogations — 2 hours;

1 (j) patrol procedures — 6 hours;

2 (k) crisis intervention — 4 hours;

3 (l) police human and community relations — 3 hours;

4 (m) juvenile procedures — 2 hours;

5 (n) defensive tactics — 4 hours;

6 (o) crowd control tactics — 4 hours;

7 (p) firearms training — 30 hours;

8 (q) first aid — 10 hours; and

9 (r) examination — 2 hours.

10 (3) The law enforcement agency is responsible for
11 training its reserve officers in accordance with minimum
12 training standards established by the Montana board of crime
13 control.

14 (4) A reserve officer may serve as a peace officer
15 only on the orders and at the direction of the chief law
16 enforcement administrator of the local government.

17 (5) A reserve officer may act only in a supplementary
18 capacity to the law enforcement agency. A reserve officer
19 may be appointed as a full-time law enforcement officer
20 through the procedures provided in Montana law for such
21 appointments.

22 (6) The chief law enforcement administrator of a law
23 enforcement agency with reserve officers shall appoint a
24 full-time law enforcement officer of the agency as a reserve
25 force coordinator. The reserve force coordinator shall

1 coordinate the activities of the reserve force with those of
2 the law enforcement agency. Reserve officers:

3 (a) are subordinate to full-time law enforcement
4 officers; and

5 (b) may not serve unless supervised by a full-time law
6 enforcement officer whose span of control would be
7 considered within reasonable limits.

8 (7) No reserve officer may carry a weapon:

9 (a) while on assigned duty until the reserve officer
10 has qualified on the firing range with a weapon in
11 compliance with the firearms qualifying course conducted by
12 the Montana law enforcement academy; and

13 (b) until authorized by the chief law enforcement
14 administrator to carry a weapon.

15 (8) A reserve officer is vested with the same powers,
16 rights, privileges, obligations, and duties as any other
17 peace officer of this state upon being activated by the
18 chief law enforcement administrator of the local government
19 and while on assigned duty only.

20 (9) A reserve officer may not participate in any
21 pension or retirement system established for full-time law
22 enforcement officers.

23 (10) Each law enforcement agency that utilizes reserve
24 officers shall provide full workers' compensation coverage
25 for the officers while they are providing actual service for

1 a law enforcement agency. Coverage shall be provided through
2 the state compensation insurance fund, and the law
3 enforcement agencies shall pay to the state fund an
4 appropriate premium, as established by the state fund, to
5 cover the insurance risk of providing coverage to the
6 officers.

7 (11) A local government may not reduce the authorized
8 number of full-time law enforcement officers through the
9 appointment or utilization of reserve officers.

10 (12) Reserve officers serve at the pleasure of the
11 chief law enforcement administrator and may be terminated at
12 any time by the chief law enforcement administrator by
13 written notification without any cause.

14 Section 3. Reserve manual required. The authorizing
15 law enforcement agency establishing a law enforcement
16 reserve force shall adopt and publish a manual setting forth
17 the minimum qualifications, minimum training standards, and
18 standard operating procedures for reserve officers.

19 Section 4. Auxiliary officers. (1) A local government
20 may authorize auxiliary officers. Auxiliary officers:

21 (a) are subordinate to full-time law enforcement
22 officers; and

23 (b) may not serve unless supervised by a full-time law
24 enforcement officer.

25 (2) No auxiliary officer may carry a weapon.

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2 pension or retirement system established for full-time law
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4 (4) Each law enforcement agency that utilizes
5 auxiliary officers shall provide full workers' compensation
6 coverage for the officers while they are providing actual
7 service for a law enforcement agency.

8 Section 5. Exceptions. Provisions of subsections (1)
9 and (2) of [section 2] do not apply to auxiliary officers,
10 to sworn volunteer peace officers who are not assigned to
11 general law enforcement duties, or to members of a posse
12 organized to quell public disturbance or domestic violence
13 in accordance with 16-2702(6).

14 Section 6. Severability. If a part of this act is
15 invalid, all valid parts that are severable from the invalid
16 part remain in effect. If a part of this act is invalid in
17 one or more of its applications, the part remains in effect
18 in all valid applications that are severable from the
19 invalid applications.

-End-

STATE OF MONTANA

REQUEST NO. 114-77

FISCAL NOTE

Form BD-15

In compliance with a written request received January 20, 19 77, there is hereby submitted a Fiscal Note for Senate Bill 152 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to regulate volunteer peace officers by establishing minimum qualifying standards and authorizing the Board of Crime Control to establish minimum standards for such peace officers to safeguard the interest of the public.

ASSUMPTIONS:

1. There are no provisions in the existing laws which encompass volunteer peace officers. It will be necessary to establish and implement minimum qualifying standards and training.
2. Funds for employment of volunteer peace officers are currently being expended from county or other local revenues. Federal funds will be available for special training and hardware costs.

FISCAL IMPACT:

	<u>FY 78</u>	<u>FY 79</u>	<u>TOTAL</u>
Personal services	\$ 4,348	\$ 1,850	\$ 6,198
Operating expenses	<u>8,126</u>	<u>1,799</u>	<u>9,925</u>
Total additional cost of proposed legislation	<u>\$12,474</u>	<u>\$ 3,649</u>	<u>\$16,123</u>

LONG-RANGE IMPACT:

No additional costs are projected after FY 79, since the necessary standards will have been developed and implemented.

Richard L. Drury for
BUDGET DIRECTOR
Office of Budget and Program Planning
Date: 1-24-77

Approved by Committee
on State Administration

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20 private person in 95-611.
21 (2) "General law enforcement duties" means patrol
22 operations performed for detection, prevention, and
23 suppression of crime and the enforcement of criminal and
24 traffic codes of this state and its local governments.
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2 (4) "Law enforcement officer" means a sworn,
3 full-time, employed member of a law enforcement agency who
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19 months prior to the date of the appointment;
20 (b) be a citizen of the United States;
21 (c) be at least 18 years of age;
22 (d) be fingerprinted, and a search must be made of
23 local, state, and national fingerprint files to disclose any
24 criminal record;
25 (e) not have been convicted of a crime for which he

1 could have been imprisoned in a federal penitentiary or
2 state prison;

3 (f) be of good moral character as determined by a
4 thorough background investigation;

5 (g) be a graduate of an accredited high school or the
6 equivalent;

7 (h) be examined by a licensed physician within 30 days
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9 in good physical condition; and

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12 as a representative of a law enforcement agency performing
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21 (9) A reserve officer may not participate in any
22 pension or retirement system established for full-time law
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24 (10) Each law enforcement agency that utilizes reserve
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24 SECTION 6. STANDARDIZATION OF TERMINOLOGY. TO
25 FACILITATE THE USE OF COMMON TERMINOLOGY FOR LAW ENFORCEMENT

1 PURPOSES, THE CODE COMMISSIONER SHALL, WHERE APPROPRIATE,
2 CHANGE ALL STATUTORY REFERENCES TO COMPLY WITH THE FOLLOWING
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4 (1) EVERY REFERENCE TO "RESERVE OFFICER" IN THE LAWS
5 GOVERNING THE POLICE RETIREMENT SYSTEM SHALL BE CHANGED TO
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REFERENCE BILL

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8 immediately preceding the date of appointment and pronounced
9 in good physical condition; and

10 (i) possess a valid Montana driver's license.

11 (2) No reserve officer may be authorized to function
12 as a representative of a law enforcement agency performing
13 general law enforcement duties after ~~1-year~~ 2 YEARS from the
14 original appointment unless the reserve officer has
15 satisfactorily completed a minimum 88-hour basic training
16 program which must include but need not be limited to the
17 following course content:

- 18 (a) introduction and orientation -- 1 hour;
- 19 (b) police ethics and professionalism -- 1 hour;
- 20 (c) criminal law -- 4 hours;
- 21 (d) laws of arrest -- 4 hours;
- 22 (e) criminal evidence -- 4 hours;
- 23 (f) administration of criminal law -- 2 hours;
- 24 (g) communications, reports, and records -- 2 hours;
- 25 (h) crime investigations -- 3 hours;

1 (i) interviews and interrogations -- 2 hours;

2 (j) patrol procedures -- 6 hours;

3 (k) crisis intervention -- 4 hours;

4 (l) police human and community relations -- 3 hours;

5 (m) juvenile procedures -- 2 hours;

6 (n) defensive tactics -- 4 hours;

7 (o) crowd control tactics -- 4 hours;

8 (p) firearms training -- 30 hours;

9 (q) first aid -- 10 hours; and

10 (r) examination -- 2 hours.

11 (3) The law enforcement agency is responsible for
12 training its reserve officers in accordance with minimum
13 training standards established by the Montana board of crime
14 control.

15 (4) A reserve officer may serve as a peace officer
16 only on the orders and at the direction of the chief law
17 enforcement administrator of the local government.

18 (5) A reserve officer may act only in a supplementary
19 capacity to the law enforcement agency. A reserve officer
20 may be appointed as a full-time law enforcement officer
21 through the procedures provided in Montana law for such
22 appointments.

23 (6) The chief law enforcement administrator of a law
24 enforcement agency with reserve officers shall appoint a
25 full-time law enforcement officer of the agency as a reserve

1 force coordinator. The reserve force coordinator shall
2 coordinate the activities of the reserve force with those of
3 the law enforcement agency. Reserve officers:

4 (a) are subordinate to full-time law enforcement
5 officers; and

6 (b) may not serve unless supervised by a full-time law
7 enforcement officer whose span of control would be
8 considered within reasonable limits.

9 (7) No reserve officer may carry a weapon:

10 (a) while on assigned duty until the reserve officer
11 has qualified on the firing range with a weapon in
12 compliance with the firearms qualifying course conducted by
13 the Montana law enforcement academy; and

14 (b) until authorized by the chief law enforcement
15 administrator to carry a weapon.

16 (8) A reserve officer is vested with the same powers,
17 rights, privileges, obligations, and duties as any other
18 peace officer of this state upon being activated by the
19 chief law enforcement administrator of the local government
20 and while on assigned duty only.

21 (9) A reserve officer may not participate in any
22 pension or retirement system established for full-time law
23 enforcement officers.

24 (10) Each law enforcement agency that utilizes reserve
25 officers shall provide full workers' compensation coverage

1 for the officers while they are providing actual service for
2 a law enforcement agency. Coverage shall be provided through
3 the state compensation insurance fund, and the law
4 enforcement agencies shall pay to the state fund an
5 appropriate premium, as established by the state fund, to
6 cover the insurance risk of providing coverage to the
7 officers.

8 (11) A local government may not reduce the authorized
9 number of full-time law enforcement officers through the
10 appointment or utilization of reserve officers.

11 (12) Reserve officers serve at the pleasure of the
12 chief law enforcement administrator and may be terminated at
13 any time by the chief law enforcement administrator by
14 written notification without any cause.

15 Section 3. Reserve manual required. The authorizing
16 law enforcement agency establishing a law enforcement
17 reserve force shall adopt and publish a manual setting forth
18 the minimum qualifications, minimum training standards, and
19 standard operating procedures for reserve officers.

20 Section 4. Auxiliary officers. (1) A local government
21 may authorize auxiliary officers ONLY ON THE ORDERS AND AT
22 THE DIRECTION OF THE CHIEF LAW ENFORCEMENT ADMINISTRATOR OF
23 THE LOCAL GOVERNMENT. Auxiliary officers:

24 (a) are subordinate to full-time law enforcement
25 officers; and

1 (b) may not serve unless supervised by a full-time law
2 enforcement officer.

3 (2) No auxiliary officer may carry a weapon WHILE ON
4 ASSIGNED DUTY.

5 (3) An auxiliary officer may not participate in any
6 pension or retirement system established for full-time law
7 enforcement officers.

8 (4) Each law enforcement agency that utilizes
9 auxiliary officers shall provide full workers' compensation
10 coverage for the officers while they are providing actual
11 service for a law enforcement agency.

12 Section 5. Exceptions. Provisions of subsections (1)
13 and (2) of [section 2] do not apply to auxiliary officers,
14 to sworn volunteer peace officers who are not assigned to
15 general law enforcement duties, or to members of a posse
16 organized to quell public disturbance or domestic violence
17 in accordance with 16-2702(6).

18 ~~Section 6v--Severability--If a part of this act is~~
19 ~~invalid all valid parts that are severable from the invalid~~
20 ~~part remain in effect. If a part of this act is invalid in~~
21 ~~one or more of its applications, the part remains in effect~~
22 ~~in all valid applications that are severable from the~~
23 ~~invalid applications.~~

24 SECTION 6. STANDARDIZATION OF TERMINOLOGY. TO
25 FACILITATE THE USE OF COMMON TERMINOLOGY FOR LAW ENFORCEMENT

1 PURPOSES, THE CODE COMMISSIONER SHALL, WHERE APPROPRIATE,
2 CHANGE ALL STATUTORY REFERENCES TO COMPLY WITH THE FOLLOWING
3 RULES:

4 (1) EVERY REFERENCE TO "RESERVE OFFICER" IN THE LAWS
5 GOVERNING THE POLICE RETIREMENT SYSTEM SHALL BE CHANGED TO
6 "RETIRED OFFICER".

7 (2) EVERY REFERENCE TO "RESERVE LIST" IN THE LAWS
8 GOVERNING THE POLICE RETIREMENT SYSTEM SHALL BE CHANGED TO
9 "RETIRED LIST".

-End-