LC 0668/01

LC 0668/01

1 - Senate BILL NO. 152-2 INTRODUCED BY Hallhim 3 Gy represent Montanne Board of Onine Control 4 A BILL FOR AN ACT ENTITLED: "AB ACT TO REGULATE VOLUNTEER 5 PEACE OFFICERS BY ESTABLISHING MINIHUM QUALIFYING STANDARDS 6 AND AUTHORIZING THE BOARD OF CRIME CONTROL TO ESTABLISH 7 MINIHUM TRAINING STANDARDS FOR SUCH PEACE OFFICERS TO 8 SAFEGUARD THE INTERESTS OF THE PUBLIC."

9

10 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.

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

1 (4) "Law enforcement officer" means a sworn, 2 full-time, employed member of a law enforcement agency who 3 is a peace officer as defined in 95-210 and has arrest 4 authority as described in 95-608.

5 (5) "Reserve officer" means a sworn, part-time 6 volunteer member of a law enforcement agency who is a peace 7 officer as defined in 95-210 and has arrest authority as B described in 95-608 only when authorized to perform these functions as a representative of the law enforcement agency. 9 10 Section 2. Reserve officers. (1) A local government 11 may authorize reserve officers. A person who meets minimum standards for appointment as a peace officer may be 12 13 appointed as a reserve officer. To be appointed, a person 14 aust:

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

19 (b) be a citizen of the United States;

20 (c) be at least 18 years of age;

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

24 (e) not have been convicted of a crime for which he25 could have been imprisoned in a federal penitentiary or

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1 state prison; 2 (f) be of good moral character as determined by a з thorough background investigation; 4 (g) be a graduate of an accredited high school or the 5 equivalent: б (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 as a representative of a law enforcement agency performing 11 general law enforcement duties after 1 year from the 12 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: (c) criminal law -- 4 hours; 19 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 (b) crime investigations -- 3 hours; 25 (i) interviews and interrogations --- 2 hours;

1	(j) patrol procedures 6 hours;
2	<ul><li>(k) crisis intervention 4 hours;</li></ul>
3	(1) police human and community relations 3 hours;
4	<ul><li>(m) juvenile procedures 2 hours;</li></ul>
5	(n) defensive tactics 4 hours;
6	(o) crowd control tactics 4 hours;
7	(p) firearms training 30 hours;
8	(g) 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 Bontana 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	way 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

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25 force coordinator. The reserve force coordinator shall

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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 Bontana law enforcement academy; and

13 (b) until authorized by the chief law enforcement14 administrator to carry a weapon.

(8) A reserve officer is vested with the same powers,
rights, privileges, obligations, and duties as any other
peace officer of this state upon being activated by the
chief law enforcement administrator of the local government
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.

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

a law enforcement agency. Coverage shall be provided through
the state compensation insurance fund, and the law
enforcement agencies shall pay to the state fund an
appropriate premium, as established by the state fund, to
cover the insurance risk of providing coverage to the
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. Beserve 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 law24 enforcement officer.

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

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

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 guell public disturbance or domestic violence
13 in accordance with 16-2702(6).

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

-End-

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# STATE OF MONTANA

REQUEST NO. 114-77

## FISCAL NOTE

Form BD-15

In	complia	nce wi	th a	written	request	received .	January 20		9 77 ,	there is	hereby	submitted	a Fiscal	Note
for	Ser	ate Bi	11 15	2		pursuai	nt to Chapter 53	, Laws of Mor	ntana, 196	5 - Thirty	/-Ninth	Legislative	Assembly	<i>ı</i> .
Ba	ckgroun	d infor	matio	n used in	develop	ing this F	i <mark>scal</mark> Note is avai	lable from the	Office of	Budget a	nd Prog	ram Planni	ng, to me	mbers
of	the Legi	slature	upor	n request	t.									

### 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> </u>	<u>FY 79</u>	TOTAL
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.

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BUDGET DIRECTOR Office of Budget and Program Planning Date: \_\_\_\_\_\_\_77\_\_\_\_

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### Approved by Committee on State Administration

1	SENATE BILL NO. 152
Z	INTRODUCED BY HAZELBAKER
з	BY REQUEST OF THE MONTANA BOARD OF CRIME CONTROL
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO REGULATE VOLUNTEER
6	PEACE OFFICERS BY ESTABLISHING MINIHUM QUALIFYING STANDARDS
7	AND AUTHORIZING THE BOARD OF CRIME CONTROL TO ESTABLISH
8	MINIMUM TRAINING STANDARDS FOR SUCH PEACE OFFICERS TO
9	SAFEGUARD THE INTERESTS OF THE PUBLIC."
10	
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	Section 1. Definitions. As used in this act, the
13	following definitions apply:
14	(1) "Auxiliary officer" means an unsworn, part-time,
15	volunteer member of a law enforcement agency who may perform
16	but is not limited to the performance of such functions as
17	civil defense, search and rescue, office duties, crowd and
18	traffic control, and crime prevention activities. An
19	auxiliary officer has only the arrest authority granted a
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.
25	(3) "Law enforcement agency" means a law enforcement

SECOND READING

1	service provided directly by a local government.
2	(4) "Law enforcement officer" means a sworn,
3	full-time, employed member of a law enforcement agency who
4	is a peace officer as defined in 95-210 and has arrest
5	authority as described in 95-608.
6	(5) "Reserve officer" means a sworn, part-time
۲	volunteer member of a law enforcement agency who is a peace
8	officer as defined in 95-210 and has arrest authority as
9	described in 95-608 only when authorized to perform these
10	functions as a representative of the law enforcement agency.
11	Section 2. Reserve officers. (1) A local government
12	may authorize reserve officers. A person who meets minimum
13	standards for appointment as a peace officer may be
13 14	standards for appointment as a peace officer may be appointed as a reserve officer. To be appointed, a person
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14	appointed as a reserve officer. To be appointed, a person
14 15	appointed as a reserve officer. To be appointed, a person must:
14 15 16	appointed as a reserve officer. To be appointed, a person must: (a) have resided in the state continuously for at
14 15 16 17	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
14 15 16 17 18	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
14 15 16 17 18 19	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;
14 15 16 17 18 19 20	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;
14 15 16 17 18 19 20 21	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;

25 (e) not have been convicted of a crime for which he

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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;
1	(h) be examined by a licensed physician within 30 days
8	immediately preceding the date of appointment and pronounced
9	in good physical condition; and
10	<li>(i) possess a valid Montana driver's license.</li>
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 <del>l-year <u>2_YEARS</u> from the</del>
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	<ul><li>(a) introduction and orientation 1 hour;</li></ul>
19	(b) police athics 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	<ul><li>(h) crime investigations 3 hours;</li></ul>

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1	<ul><li>(i) interviews and interrogations 2 hours;</li></ul>
ł	(j) patrol procedures -+ 6 hours;
3	<pre>(k) crisis intervention 4 hours;</pre>
4	<ol> <li>police human and community relations 3 hours;</li> </ol>
5	(m) juvenile procedures 2 hours;
6	<ul><li>(n) defensive tactics 4 hours;</li></ul>
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

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full-time law enforcement officer of the agency as a reserve

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force coordinator. The reserve force coordinator shall
 coordinate the activities of the reserve force with those of
 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

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

15 (8) A reserve officer is vested with the same powers, 17 rights, privileges, oblications, 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.

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

(10) Each law enforcement agency that utilizes reserveofficers shall provide full workers<sup>4</sup> compensation coverage

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

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

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

20Section 4. Auxiliary officers. (1) A local government21may authorize auxiliary officers <u>ONLY ON THE ORDERS AND AI</u>

- 22 IHE DIRECTION OF THE CHIEF LAW ENFORCEMENT ADMINISTRATOR OF
- 23 IHE LUCAL GUVERNMENT. Auxiliary officers:
- 24 (a) are subordinate to full-time law enforcement25 officers; and

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

3 (2) No auxiliary officer may carry a weapon <u>WHILE\_ON</u>
 4 <u>ASSIGNED DUTY</u>.

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-6--Severability---If--a-part-of-this-act-is

 19
 invalidy-oll-valid-parts-that-are-severable-from-the-invalid

 20
 part-remain-in-effecty--If-a-part-of-this-act-is-invalid--in

 21
 one-or-more-of-its-applicationsy-the-part-remains-in-effect

 22
 in-all--valid--applications--that--are--severable--from--the

 23
 invalid-applications+

 24
 SECTION\_6\_\_STANDARDIZATION\_\_OF\_\_TERMINOLOGY\_\_IO

 25
 FACILLIATE\_THE\_USE\_OF\_COMMON\_TERMINOLOGY\_FOR\_LAW\_ENEOPCEMENT

PURPOSES + THE CODE COMMISSIONER\_SHALL + WHERE APPROPRIATE + 1 2 CHANGE ALL STATUTORY REFERENCES TO COMPLY WITH THE FOLLOWING 3 RULES: 4 (1) EVERY REFERENCE TO "RESERVE DEFICER" IN THE LAWS 5 GOVERNING THE POLICE RETIREMENT SYSTEM SHALL BE CHANGED 19 "REIIKED\_DEE1CER". 6 (2) EVERY REFERENCE TO "RESERVE LIST" IN THE LAWS 7 в GOVERNING THE POLICE RETIREMENT\_SYSTEM\_SHALL\_BE\_\_CHANGED\_\_TO

9 <u>"RETIKED\_LISI".</u>

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BY REQUEST OF THE 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 FNACTED 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

SENATE BILL NO. 152

INTRODUCED BY HAZELBAKER

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 6 7 volunteer member of a law enforcement agency who is a peace officer as defined in 95-210 and has arrest authority as к 9 described in 95-608 only when authorized to perform these 10 functions as a representative of the law enforcement agency. 11 Section 2. Reserve officers. (1) A local government 12 may authorize reserve officers. A person who meets minimum standards for appointment as a peace officer may be 13 14 appointed as a reserve officer. To be appointed, a person 15 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;

20 (p) 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

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THIRD READING

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1	could have been imprisoned in a federal penitentiary or	1	<li>(i) interviews and interrogations +- 2 hours;</li>
2	state prison;	2	(j) patrol procedures 6 hours;
3	(f) be of good moral character as determined by a	3	<ul><li>(k) crisis intervention 4 hours;</li></ul>
4	thorough background investigation;	4	<ol> <li>police human and community relations 3 hours;</li> </ol>
5	(g) be a graduate of an accredited high school or the	5	<pre>{m) juvenile procedures 2 hours;</pre>
6	equivalent;	6	<ul><li>(n) defensive tactics 4 hours;</li></ul>
1	(h) be examined by a licensed physician within 30 days	7	(o) crowd control tactics 4 hours;
8	immediately preceding the date of appointment and pronounced	ឋ	(p) firearms training 30 hours;
9	in good physical condition; and	9	(q) first aid 10 hours; and
10	(i) possess a valid Montana driver's license.	10	(r) examination 2 hours.
11	(2) No reserve officer may be authorized to function	11	(3) The law enforcement agency is responsible for
12	as a representative of a law enforcement agency performing	12	training its reserve officers in accordance with minimum
13	general law enforcement duties after <del>1-year <u>2_YEARS</u> from the</del>	13	training standards established by the Montana board of crime
14	original appointment unless the reserve officer has	14	control.
15	satisfactorily completed a minimum #8-hour basic training	15	(4) A reserve officer may serve as a peace officer
16	program which must include but need not be limited to the	16	only on the orders and at the direction of the chief law
17	following course content:	17	enforcement administrator of the local government.
18	(a) introduction and orientation 1 hour;	18	(5) A reserve officer may act only in a supplementary
19	(b) police ethics and professionalism 1 hour;	19	capacity to the law enforcement agency. A reserve officer
20	(c) criminal law 4 hours;	20	may be appointed as a full-time law enforcement officer
21	(d) laws of arrest 4 hours;	21	through the procedures provided in Montana law for such
22	(e) criminal evidence 4 hours;	22	appointments.
23	(f) administration of criminal law 2 hours;	23	(6) The chief law enforcement administrator of a law
24	(g) communications, reports, and records 2 hours;	24	enforcement agency with reserve officers shall appoint a
25	<ul><li>(h) crime investigations 3 hours;</li></ul>	25	full-time law enforcement officer of the agency as a reserve

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

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

(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

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

(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 15 administrator to carry a weapon.

(8) A reserve officer is vested with the same powers, 15 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 20 and while on assigned duty only.

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

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

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 4 enforcement agencies shall pay to the state fund an appropriate premium, as established by the state fund, to 5 cover the insurance risk of providing coverage to the 6 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 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

15 Section 3. Reserve manual required. The authorizing law enforcement agency establishing a law enforcement 16 17 reserve force shall adopt and publish a manual setting forth the minimum qualifications, minimum training standards, and 18 standard operating procedures for reserve officers. 19 20

Section 4. Auxiliary officers. (1) A local obvernment

21 may authorize auxiliary officers ONLY ON THE ORDERS AND AT

22 THE DIRECTION OF THE CHIEF LAW ENFORCEMENT ADMINISTRATOR OF

23 IHE LOCAL GOVERNMENT. Auxiliary officers:

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

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

3 {2} No auxiliary officer may carry a weapon <u>WHILE\_QN</u>
 <u>ASSIGNED\_DUTY</u>.

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2

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.

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18 Section-6:--Severability---If--a-part-of-this-act-is invalidy-all-valid-parts-that-are-severable-from-the-invalid part-remain-in-effect--If-a-part-of-this-act-is-invalid--in one--or-more-of-its-applicationsy-the-part-remains-in-effect in-all--valid--applications--that--are--severable--from--the invalid-applications\*

 24
 SECTION\_6\_STANDARDIZATION\_OF\_TERMINOLOGY\_IO
 IO

 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 EDLLOWING

3 <u>RULES:</u>

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- 4 (1) EVERY REFERENCE TO "RESERVE DEFICER" IN THE LAWS
- 5 GOVERNING THE POLICE RETIREMENT SYSTEM SHALL BE CHANGED ID
- 6 "RETIRED DEFICER".
- 7 (2) EVERY REFERENCE TO "RESERVE LIST" IN THE LAWS
- 8 GOVERNING THE POLICE RETIREMENT SYSTEM SHALL BE CHANGED ID

"RETIBED LIST".

-End-

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1	SENATE BILL NO. 152
2	INTRODUCED BY HAZELBAKER
3	BY REQUEST OF MONTANA BOARD OF CRIME CONTROL
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO REGULATE VOLUNTEER
ó	PEACE OFFICERS BY ESTABLISHING MINIMUM QUALIFYING STANDARDS
1	AND AUTHURIZING THE BOARD OF CRIME CONTROL 1G ESTABLISH
ы	MININUM TRAINING STANDARDS FOR SUCH PEACE OFFICERS TO
9	SAFEGUARD THE INTERESTS OF THE PUBLIC."
10	
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	Section 1. Definitions. As used in this act, the
13	following definitions apply:
14	<ol> <li>"Auxiliary officer" means an unsworn, part-time,</li> </ol>
15	volunteer member of a law enforcement agency who may perform
16	but is not limited to the performance of such functions as
17	civil defense, search and rescue, office duties, crowd and
18	traffic control, and crime prevention activities. An
19	auxiliary officer has only the arrest authority granted a
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.

25 (3) "Law enforcement agency" means a law enforcement

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1 service provided directly by a local government.

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

(5) "Reserve officer" means a sworn+ part-time 6 7 volunteer member of a law enforcement agency who is a peace 8 officer as defined in 95-210 and has arrest authority as described in 95-608 only when authorized to perform these 9 10 functions as a representative of the law enforcement agency. 11 Section 2. Reserve officers. (1) A local government 12 may authorize reserve officers. A person who meets minimum 13 standards for appointment as a peace officer may be 14 appointed as a reserve officer. To be appointed, a person 15 must:

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

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

25 (e) not have been convicted of a crime for which he

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#### 2 state prison; (f) be of good moral character as determined by a 3 4 thorough background investigation; 5 (g) be a graduate of an accredited high school or the equivalent; 6 7 (h) be examined by a licensed physician within 30 days 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 original appointment unless the reserve officer has 14 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; (b) police ethics and professionalism -- 1 hour; 19 20 (c) criminal law -- 4 hours: 21 (d) laws of arrest -- 4 hours;

could have been imprisoned in a federal penitentiary or

1

- 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;

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ı	<ul><li>(i) interviews and interrogations 2 hours;</li></ul>
Z	(j) patrol procedures 6 hours;
د	(k) crisis intervention 4 hours;
4	<ol> <li>police human and community relations 3 hours;</li> </ol>
5	(m) juvenile procedures 2 hours;
6	<pre>(n) defensive tactics 4 hours;</pre>
7	<pre>(o) crowd control tactics 4 hours;</pre>
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
<b>1</b> .	

full-time law enforcement officer of the agency as a reserve

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

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

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

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

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

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

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

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

24 (10) Each law enforcement agency that utilizes reserve25 officers shall provide full workers' compensation coverage

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

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 <u>ONLY\_UN\_THE\_ORDERS\_AND\_AT</u> 22 IHE\_OIRECTION\_OF\_THE\_CHIEF\_LAW\_ENFORCEMENT\_ADMINISTRATOR\_OF 23 IHE\_LUCAL\_GOVERNMENT. Auxiliary officers:

24 (a) are subordinate to full-time law enforcement25 officers; and

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

3 (2) No auxiliary officer may carry a weapon <u>WHILE\_ON</u>
 4 <u>ASSIGNED\_DUIY</u>.

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-6w--Severabilityw---If--a-part--of-this-act-is

 19
 invalidy-all-valid-parts-that-are-severable-from-the-invalid

 20
 part-remain-in-effectw--If-a-part-of-this-act-is-invalid--in

 21
 one--or-more-of-its-applicationsy-the-part-remains-in-effect

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25 FACILITATE THE USE OF COMMON TERMINOLOGY FOR LAW ENFORCEMENT

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1 PJKPOSES. THE CODE COMMISSIONER SHALL. WHERE APPROPRIATE: 2 CHANGE ALL STATUTORY REFERENCES TO COMPLY WITH THE FOLLOWING

3 RULES:

4 (1) EVERY REFERENCE TO "RESERVE DEFICER" IN THE LAWS

5 GOVERNING THE POLICE RETIREMENT SYSTEM SHALL BE CHANGED TO

6 "RETIGED DEFICER".

7 (2) EVERY REFERENCE TO "RESERVE LIST" IN THE LAWS

8 GOVERNING THE POLICE RETIREMENT SYSTEM SHALL BE CHANGED TO

9 #RETIRED\_LIST\*\*

-End-