

Senate BILL NO. 250
Haythorn

INTRODUCED BY _____
BY REQUEST OF THE BOARD OF CRIME CONTROL

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING REPRESENTATION ON THE BOARD OF CRIME CONTROL; CLARIFYING THE RULEMAKING AND QUASI-JUDICIAL FUNCTIONS OF THE BOARD OF CRIME CONTROL; DELETING TRANSITIONAL PROVISIONS; AMENDING SECTION 82A-1207, R.C.M. 1947."

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

Section 1. Section 82A-1207, R.C.M. 1947, is amended to read as follows:

"82A-1207. Board of crime control -- creation -- continued -- transfer -- composition. (1) The administratively created agency known as the governor's crime control commission is hereby created by law as the board of crime control, and its functions are continued.

(2) The board is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act. However, the board may hire its own personnel, and section 82A-108(2)(d) does not apply.

(3) The board is composed of ~~sixteen~~(16) members appointed by the governor in accordance with 82A-112, but 82A-112(2)(b) does not apply, and members are to be

appointed in accordance with any special requirements of Title I of the Omnibus Crime Control and Safe Streets Act, as amended. The board shall be representative of state--and local law-enforcement and criminal justice agencies, and including agencies directly related to the prevention and control of juvenile delinquency, units of general local government, and public agencies maintaining programs to reduce and control crime and shall include representatives of citizens and professional and community organizations, including organizations directly related to delinquency prevention.

(4) As designated by the governor as the state planning agency under the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the board shall perform the functions assigned to it under that act. It may make any necessary rules and hear and decide contested cases in performing its functions assigned by law and in keeping with the requirements of the Montana Administrative Procedure Act. The board shall have the authority to establish minimum qualifying standards for employment of peace officers, whose primary responsibility as authorized by law includes either the prevention and detection of crime or supervision of the enforcement of the penal, traffic, or game laws of this state and its political subdivisions, require basic training for such officers, establish minimum standards for equipment

1 and procedures and for advanced in-service training for such
2 officers and establish minimum standards for any law
3 enforcement training schools administered by the state or
4 any of its political subdivisions of agencies, to insure the
5 public health, welfare and safety. The board ~~shall~~ may waive
6 the minimum qualification standard for good cause shown.

7 ~~{5}--The--members--of--the--governor's--crime--control~~
8 ~~commission--before--the--effective--date--of--this--chapter~~
9 ~~continue--as--members--of--the--board--of--crime--control--for--the~~
10 ~~remainder--of--the--governor's--term;--thereafter--members--shall~~
11 ~~be--appointed--in--accordance--with--section--82A-112(1)(b)--of~~
12 ~~this--act.~~

13 ~~{6}--The--board--is--designated--as--a--quasi-judicial--board~~
14 ~~for--purposes--of--section--82A-112--of--this--act;--but--section~~
15 ~~82A-112(2)(b)--does--not--apply."~~

-End-

Approved by Committee
on Judiciary

SENATE BILL NO. 250

INTRODUCED BY HAZELBAKER

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SECOND READING

1 equipment and procedures and for advanced in-service
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7 cause shown.

8 ~~(5) The members of the governor's crime control~~
9 ~~commission before the effective date of this chapter~~
10 ~~continue as members of the board of crime control for the~~
11 ~~remainder of the governor's term; thereafter members shall~~
12 ~~be appointed in accordance with section 82A 112(1)(b) of~~
13 ~~this act.~~

14 ~~(6) The board is designated as a quasi-judicial board~~
15 ~~for purposes of section 82A 112 of this act, but section~~
16 ~~82A 112(2)(b) does not apply."~~

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REFERENCE BILL

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