LC 1411/01

enate BUL NO. 250 1 2 INTRODUCED BY Joyi

BY REQUEST OF THE BOARD OF CRIME CONTROL

5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING REPRESENTATION 6 ON THE BOARD OF CRIME CONTROL; CLARIFYING THE RULEMAKING AND 7 QUASI-JUDICIAL FUNCTIONS OF THE BOARD OF CRIME CONTROL; 8 DELETING TRANSITIONAL PROVISIONS; AMENDING SECTION 82A-1207, 9 R.C.M. 1947."

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

12 Section 1. Section 82A-1207, R.C.M. 1947, is amended 13 to read as follows:

14 "82A-1207. Board of crime control -- creation --15 continued -- transfer -- composition. (1) The 16 administratively created agency known as the governor's 17 crime control commission is hereby created by law as the 18 board of crime control, and its functions are continued.

19 (2) The board is transferred to the department for
20 administrative purposes only as prescribed in section
21 82A-108 of-this-act. However, the board may hire its own
22 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

INTRODUCED BILL

1	appointed in accordance with any special requirements of
2	litle I of the Umnibus Crime Control and Safe Streets Act.
3	as amended. The board shall be representative of stateand
4	<del>}ocal</del> law∼enforcement <u>and criminal justice</u> agencies <u></u> and
5	including agencies directly related to the prevention and
6	<u>control_of_juvenile_delinguency</u> , units of general local
7	governments and public agencies maintaining programs to
8	reduce and control crime and shall include representatives
9	of citizens and professional and community organizations.
10	including_organizations_directly_related_to_delinquency
11	prevention.
12	(4) As designated by the governor as the state
13	planning agency under the Omnibus Crime Control and Safe
14	Streets Act of 1968, <u>as amended</u> , the board shall perform the
15	functions assigned to it under that act. <u>It may make any</u>
16	necessary rules and hear and decide contested cases in
17	performing its functions assigned by law and in keeping with
18	
	the requirements of the Montana Administrative Procedure
19	the requirements of the Montana. Administrative Procedure Act. The board shall have the authority to establish minimum
19 20	
	Act. The board shall have the authority to establish minimum

22 the prevention and detection of crime or supervision of the 23 enforcement of the penal, traffic, or game laws of this 24 state and its political subdivisions, require basic training 25 for such officers, establish minimum standards for equipment

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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 <del>shall may</del> waive
6	the minimum qualification standard for good cause shown.
7	<del>{5}Themembersofthegovernor*scrimecontrol</del>
8	commissionbeforethaeffectivedateofthischapter
9	continue-as-members-of-the-board-of-crimecontrolforthe
10	remainderofthe-governor*s-term1-thereafter-members-shall
11	be-appointed-in-accordancewithsection82A-112(1)(b)of
12	this-acta
13	<del>{6}Theboard-is-designated-as</del> -a-q <del>uasi-judicial-board</del>
14	for-purposes-of-section-82A-112-ofthisactybutsection
15	<del>82A-112f2}(b)-does-not-app1y=</del> "

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Approved by Committee on Judiciary

1	SENATE BILL NO. 250
2	INTRODUCED BY HAZELBAKEB
3	BY REQUEST OF THE BOARD OF CHINE CONTROL
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5	A BILL POR AN ACT ENTITLED: "AN ACT REVISING REPRESENTATION
6	ON THE BOARD OF CHIME CONTROL; CLARIFYING THE RULEMAKING AND
7	QUASI-JUDICIAL FUNCTIONS OF THE BOARD OF CRIME CONTROL;
8	DELETING TRANSITIONAL PROVISIONS; ANDENDING SECTION 82A-1207,
9	R.C.M. 1947."
10	
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HOSTADA:
12	Section 1. Section 82A-1207, R.C.M. 1947, is amended
13	to read as follows:
14	"821-1207. Board of crime control creation
15	continued — transfer — composition. (1) The
16	administratively created agency known as the governor's
17	crime control commission is hereby created by law as the
18	board of crime control, and its functions are continued.
19	(2) The board is transferred to the department for
20	administrative purposes only as prescribed in <del>section</del>
21	82A-108 <del>of this ast</del> . However, the board may hire its own
22	personnel, and <del>sostion</del> 82A-108(2)(d) does not apply.
23	(3) The board is composed of <del>sixteen (</del> 16 <del>)</del> members
24	appointed by the governor in accordance with 82A-112, but
25	82A-112(2)(b) does not apply, and members are to be

SECOND READING

1 appointed in accordance with any special requirements of 2 Title I of the Omnibus Crime Control and Safe Streets Act. 3 as awended. The board shall be representative of state-and 4 logal law-enforcement and criminal justice agencies, and 5 including agencies directly related to the prevention and 6 control of juvenile delinguency, units of general local 7 government, and public agencies maintaining programs to 8 reduce and control crime and shall include representatives 9 of citizens and professional and community organizations, 10 including organizations directly related to delinguency 11 prevention. 12 (4) As designated by the governor as the state

13 planning agency under the Omnibus Crime Control and Safe 14 Streets Act of 1968, as amended, the board shall perform the 15 functions assigned to it under that act. It-max-make--app 16 necoscary-rulos-and-bear-and-decide-gentested cases-in 17 performing its functions assigned by law and in keeping with 18 the requirements of the Montana Administrative - Procedure 19 194. The board shall have the authority to establish minimum 20 qualifying standards for employment of peace officers, whose 21 primary responsibility as authorized by law includes either 22 the prevention and detection of crime or supervision of the 23 enforcement of the penal, traffic, or FISE AND game laws of 24 this state and its political subdivisions, require basic 25 training for such officers, establish minimum standards for

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equipment and procedures and for advanced in-service training for such officers and establish minimum standards for any law enforcement training schools administered by the state or any of its political subdivisions of agencies, to insure the public health, welfare and safety. The board <del>shell may</del> waive the minimum gualification standard for good cause shown.

8 (5) The members of the generator's erise control 9 continue - before - the effective date of this - chapter 10 continue - as members of the board of crime control for the 11 remainder of the generator term; thereafter - members - shall 12 be - appointed - is - accordance - with section 82h - 112(1) (b) of 13 this - act. 14 (6) The board is - designated as a gassi - judicial - board

16 821-112(2)(b) docs-not-apply."

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1	SENATE BILL NO. 250
2	INTRODUCED BY HAZELBAKER
3	BY REQUEST OF THE BDARD OF CRIME CONTROL
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING REPRESENTATION
6	ON THE BOARD OF CRIME CONTROL; CLARIFYING THE RULEMAKING-AND
7	<del>QUASI-JUDICIAL</del> FUNCTIONS OF THE BOARD OF CRIME CONTROL;
8	DELETING TRANSITIONAL PROVISIONS; AMENDING SECTION 82A-1207,
9	R.C.M. 1947."
10	
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	Section 1. Section 82A-1207, R.C.M. 1947, is amended
13	to read as follows:
14	*82A-1207. Board of crime control creation
15	continued transfer composition. (1) The
15	administratively created agency known as the governor's
17	crime control commission is hereby created by law as the
15	board of crime control, and its functions are continued.
19	(2) The board is transferred to the department for
20	administrative purposes only as prescribed in <del>section</del>
21	82A-108 <del>of-this-act.</del> However, the board may hire its own
22	personnel, and section 82A-108(2)(d) does not apply.
23	(3) The board is composed of sixteen-(16) 18 members
24	appointed by the governor in accordance with 82A-112, but
25	82A-112(2)(b) does not apply, and members are to be
	THIRD READING

1	appointed_in_accordance_withanyspecialrequirementsof
2	<u> Title I of the Qmnibus Crime Control and Safe Streets Act</u>
3	<u>as_amended</u> . The board shall be representative of <del>stateand</del>
4	+ocal <u>STATE_AND_LOCAL</u> law-enforcement <u>and criminal justice</u>
5	agencies, and including agencies_directly_related_to_the
6	<u>prevention and control of juvenile delinguency</u> units of
7	general local government <u>s and public agencies maintaining</u>
8	programs to reduce and control crime and shall include
9	representatives of citizens and professional and community
10	organizations, including organizations directly related to
11	delinquency prevention.
12	(4) As designated by the governor as the state
13	planning agency under the Omnibus Crime Control and Safe
14	Streets Act of 1968, <u>as amended</u> , the board shall perform the
15	functions assigned to it under that act. <u>itmaymakeany</u>
16	<u>necessaryrulesandbearanddecidecontested-cases-in</u>
17	<u>performing-its-functions-assigned-by-low-andin-keeping-with-</u>
18	<u>the_requirements_oftheMontonaAdministrativeProcedure</u>
19	<u>Acty</u> The board shall have the authority to establish minimum
20	qualifying standards for employment of peace officers, whose
21	primary_responsibility_as_authorized_by_law_includes_either
22	the prevention and detection of crime or supervision of the
23	enforcement of the penals traffics or FISH AND game laws of
24	<u>this state and its_political_subdivisions</u> , require basic
25	training for such officers, establish minimum standards for

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1 equipment and procedures and for advanced in-service 2 training for such officers and establish minimum standards for any law enforcement training schools administered by the 3 4 state or any of its political subdivisions of agencies, to 5 insure the public health, welfare and safety. The board shall may waive the minimum qualification standard for good 6 7 cause shown+ (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 11 remainder-of-the-governor\*s-termi-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--824-112-of-this-acty-but-section
16 824-112(2)(b)-does-not-apply\*\*

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N., ...

45th Legislature

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SENATE BILL NO. 250 1 THTRODUCED BY BAZELBARER 2 BY REQUEST OF THE BOARD OF CRIME CONTROL 3 4 A BILL FOR AN ACT ENTITLED: "AB ACT REVISING REPRESENTATION 5 ON THE BOARD OF CRIME CONTROL; CLARIFYING THE BULEBANING-AND 6 QUASI-JUDICIAL FUNCTIONS OF THE BOARD OF CHIME CONTROL: 7 DELETING TRANSITIONAL PROVISIONS: AMENDING SECTION 82A-1207. 8 B.C.H. 1947." 9 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HOWTAWA: 11 Section 1. Section 821-1207, R.C.H. 1947, is amended 12 to read as follows: 13 #824-1207. Board of crime control -- creation --14 -- transfer -- composition. (1) The continued 15 administratively created agency known as the governor's 16 crime control commission is hereby created by law as the 17 board of crime control, and its functions are continued. 18 (2) The board is transferred to the department for 19 administrative purposes only as prescribed in section 20 82A-108 of-this-act. However, the board may hire its own 21 personnel, and gestien 82A-108(2)(d) does not apply. 22 (3) The board is composed of sisteen-(46) 18 members 23 appointed by the governor in accordance with 82A-112, but 24

82A-112(2)(b) does not apply, and members are to be

appointed in accordance with any special requirements of 1 Title I of the Omnibus Crime Control and Safe Streets Act. 2 as amended. The board shall be representative of state-and 3 local STATE AND LOCAL law-enforcement and criminal justice 8 agencies, and including agencies directly related to the 5 prevention and control of juvenile delinguency, units of 6 general local government, and public agencies maintaining 7 programs to reduce and control crime and shall include 8 9 representatives of citizens and professional and computity 10 organizations, including organizations directly related to 11 delinquency prevention. (4) As designated by the governor as the state 12 13 planning agency under the Omnibus Crime Control and Safe 14 Streets Act of 1968, as amended, the board shall perform the 15 functions assigned to it under that act. It-may-wake-any 16 peregrary-rules-and-bear-and-decide-ceptented-cases in 17 performing\_ite\_functions\_appiged\_by\_law\_and\_in\_keeping-with 18 19 Act, The board shall have the authority to establish minimum 20 qualifying standards for employment of peace officers, whose 21 primary \_responsibility as authorized by law includes either the prevention and detection of crime or supervision of the 22 enforcement of the penal, traffic, or FISH AND game laws of 23 this state and its political subdivisions, require basic 24

25 training for such officers, establish minimum standards for

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1 equipment and procedures and for advanced in-service 2 training for such officers and establish minimum standards 3 for any law enforcement training schools administered by the 4 state or any of its political subdivisions of agencies, to 5 insure the public health, welfare and safety. The board 6 <del>shall gay</del> waive the minimum gualification standard for good 7 cause shown.

8 (5) The seabors of the governor to size control generics on the offective date of this obspace of a seabors of the board of size control for the seabors of the board of size control for the seabors of the seabors with seating there are seabors of this of this est.
13 this est.

15 For--purposes--of--section -- 828-112-of-this-act, but-section

16 824-112(2)(b)-does-not-apply."

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