

SENATE BILL NO. 127

INTRODUCED BY HAZELBAKER, MANUEL

BY REQUEST OF THE BOARD OF CRIME CONTROL

IN THE SENATE

January 12, 1983	Introduced and referred to Committee on Judiciary.
January 20, 1983	Committee recommend bill do pass as amended. Report adopted.
January 21, 1983	Bill printed and placed on members' desks.
January 22, 1983	Second reading, do pass.
January 24, 1983	Correctly engrossed.
January 25, 1983	Third reading, passed. Ayes, 50; Noes, 0. Transmitted to House.

IN THE HOUSE

January 26, 1983	Introduced and referred to Committee on Judiciary.
March 8, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 10, 1983	Second reading, concurred in as amended.
March 11, 1983	Third reading, concurred in.

IN THE SENATE

March 12, 1983	Returned to Senate with amendments.
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March 14, 1983

Second reading,
amendments concurred in.

March 15, 1983

Third reading, amendments
concurred in. Ayes, 47;
Noes, 0.

Sent to enrolling.

Reported correctly
enrolled.

1 Senate BILL NO. 127
 2 INTRODUCED BY Walter Manuel
 3 BY REQUEST OF THE BOARD OF CRIME CONTROL

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING BASIC
 6 PEACE OFFICER EMPLOYMENT STANDARDS AND EDUCATIONAL
 7 REQUIREMENTS TO BE COMPLETED WITHIN 1 YEAR OF THE
 8 APPOINTMENT OF DEPUTY SHERIFFS, UNDERSHERIFFS, POLICE
 9 OFFICERS, HIGHWAY PATROLMEN, FISH AND GAME WARDENS, CAMPUS
 10 SECURITY OFFICERS, AND AIRPORT POLICE OFFICERS; AMENDING
 11 SECTION 7-32-303, MCA."

12
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 Section 1. Section 7-32-303, MCA, is amended to read:
 15 "7-32-303. Employment Peace officer employment
 16 education, and certification standards of board of crime
 17 control. (1) For purposes of this section, unless the
 18 context clearly indicates otherwise, "peace officer" means a
 19 deputy sheriff, undersheriff, police officer, highway
 20 patrolmen, fish and game warden, campus security officer, or
 21 airport police officer.
 22 (2) No sheriff of a county, mayor of a city, board
 23 commission, or other person authorized by law to appoint
 24 ~~special deputies, marshals, or policemen~~ peace officers in
 25 this state to ~~preserve the public peace and prevent or quell~~

1 ~~public disturbance shall hereafter appoint as such special~~
 2 ~~deputy, marshal, or policeman~~ any person as a peace officer
 3 who does not meet the ~~minimum~~ following qualifications plus
 4 any additional qualifying standards for employment
 5 promulgated by the board of crime control:
 6 (a) be a citizen of the United States;
 7 (b) be at least 18 years of age;
 8 (c) be fingerprinted and a search made of the local,
 9 state, and national fingerprint files to disclose any
 10 criminal record;
 11 (d) not have been convicted of a crime for which he
 12 could have been imprisoned in a federal or state
 13 penitentiary;
 14 (e) be of good moral character, as determined by a
 15 thorough background investigation;
 16 (f) be a high school graduate or have passed the
 17 general education development test and have been issued an
 18 equivalency certificate by the superintendent of public
 19 instruction or by an appropriate issuing agency of another
 20 state or of the federal government;
 21 (g) be examined by a licensed physician, who is not
 22 the applicant's personal physician, appointed by the
 23 employing authority to determine if the applicant is free
 24 from any emotional, mental, or physical condition that might
 25 adversely affect performance by the applicant of the duties

1 of a peace officer:

2 (b) successfully complete an oral examination
 3 conducted by the appointing authority or its designated
 4 representative to demonstrate the possession of
 5 communication skills, temperament, motivation, and other
 6 characteristics necessary to the accomplishment of the
 7 duties and functions of a peace officer; and

8 (i) possess or be eligible for a valid Montana
 9 driver's license.

10 (3) At the time of appointment a peace officer must
 11 take a formal oath of office.

12 (4) Within 10 days of the appointment, termination,
 13 resignation, or death of any peace officer, written notice
 14 thereof must be given to the board of crime control by the
 15 employing authority.

16 (5) (a) Except as provided in subsections (b) and (c)
 17 of this subsection, it is the duty of an appointing
 18 authority to cause each peace officer appointed under its
 19 authority to attend and successfully complete, within 1 year
 20 of the initial appointment, an appropriate peace officer
 21 basic course certified by the board of crime control. Any
 22 peace officer appointed after September 30, 1983, who fails
 23 to meet the minimum requirements as set forth in subsection
 24 (2) or who fails to complete the basic course as required by
 25 this subsection forfeits the position, authority, and arrest

1 powers accorded a peace officer in this state.

2 (b) A peace officer who has been issued a basic
 3 certificate by the board of crime control and whose last
 4 date of employment as a peace officer was less than 36
 5 months prior to the date of his present appointment as a
 6 peace officer is not required to fulfill the basic
 7 educational requirements of subsection (5)(a).

8 (c) A peace officer who has completed a basic peace
 9 officer's course in another state and whose last date of
 10 employment as a peace officer was less than 36 months prior
 11 to the date of his present appointment as a peace officer
 12 may, within 1 year of his initial appointment as a peace
 13 officer within this state, satisfy his basic educational
 14 requirements by successfully passing a basic equivalency
 15 test administered by the Montana law enforcement academy and
 16 successfully completing a legal training course conducted by
 17 the academy. If the peace officer fails the basic
 18 equivalency test, he must complete the basic course within
 19 120 days of the date of the test.

20 (6) A peace officer who has successfully met the
 21 employment standards and qualifications and the educational
 22 requirements of this section and who has completed a 1-year
 23 probationary term of employment shall, upon application to
 24 the board of crime control, be issued a basic certificate by
 25 the board, certifying that the peace officer has met all the

LC 0235/01

1 basic qualifying peace officer standards of this state."

-End-

Approved by Committee
on Judiciary

SENATE BILL NO. 127

INTRODUCED BY HAZELBAKER, MANUEL

BY REQUEST OF THE BOARD OF CRIME CONTROL

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING BASIC PEACE OFFICER EMPLOYMENT STANDARDS AND EDUCATIONAL REQUIREMENTS TO BE COMPLETED WITHIN 1 YEAR OF THE APPOINTMENT OF DEPUTY SHERIFFS, UNDERSHERIFFS, POLICE OFFICERS, HIGHWAY PATROLMEN, FISH AND GAME WARDENS, CAMPUS SECURITY OFFICERS, AND AIRPORT POLICE OFFICERS; ~~ALLOWING THE BOARD OF CRIME CONTROL TO GRANT EXTENSIONS TO THE TIME FOR COMPLIANCE WITH THOSE STANDARDS;~~ AMENDING SECTION 7-32-303, MCA."

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

Section 1. Section 7-32-303, MCA, is amended to read:

"7-32-303. Employment Peace officer employment, education, and certification standards of board of crime control. (1) For purposes of this section, unless the context clearly indicates otherwise, "peace officer" means a deputy sheriff, undersheriff, police officer, highway patrolman, fish and game warden, campus security officer, or airport police officer.

(2) No sheriff of a county, mayor of a city, board, commission, or other person authorized by law to appoint

~~special-deputies-marshals-or-policemen~~ peace officers in this state ~~to preserve the public peace and prevent or quell public disturbance~~ shall hereafter appoint ~~as such special deputy, marshal, or policeman~~ any person as a peace officer who does not meet the minimum following qualifications plus any additional qualifying standards for employment promulgated by the board of crime control:

(a) be a citizen of the United States;

(b) be at least 18 years of age;

(c) be fingerprinted and a search made of the local, state, and national fingerprint files to disclose any criminal records;

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

(e) be of good moral character, as determined by a thorough background investigation;

(f) be a high school graduate or have passed the general education development test and have been issued an equivalency certificate by the superintendent of public instruction or by an appropriate issuing agency of another state or of the federal government;

(g) be examined by a licensed physician, who is not the applicant's personal physician, appointed by the employing authority to determine if the applicant is free

1 from any emotional, mental, or physical condition that might
2 adversely affect performance by the applicant of the duties
3 of a peace officer;

4 (b) successfully complete an oral examination
5 conducted by the appointing authority or its designated
6 representative to demonstrate the possession of
7 communication skills, temperament, motivation, and other
8 characteristics necessary to the accomplishment of the
9 duties and functions of a peace officer; and

10 (i) possess or be eligible for a valid Montana
11 driver's license.

12 (3) At the time of appointment a peace officer must
13 take a formal oath of office.

14 (4) Within 10 days of the appointment, termination,
15 resignation, or death of any peace officer, written notice
16 thereof must be given to the board of crime control by the
17 employing authority.

18 (5) (a) Except as provided in subsections (b) and (c)
19 of this subsection, it is the duty of an appointing
20 authority to cause each peace officer appointed under its
21 authority to attend and successfully complete, within 1 year
22 of the initial appointment, an appropriate peace officer
23 basic course certified by the board of crime control. Any
24 peace officer appointed after September 30, 1983, who fails
25 to meet the minimum requirements as set forth in subsection

1 (2) or who fails to complete the basic course as required by
2 this subsection forfeits the position, authority, and arrest
3 powers accorded a peace officer in this state.

4 (b) A peace officer who has been issued a basic
5 certificate by the board of crime control and whose last
6 date of employment as a peace officer was less than 36
7 months prior to the date of his present appointment as a
8 peace officer is not required to fulfill the basic
9 educational requirements of subsection (5)(a).

10 (c) A peace officer who has completed a basic peace
11 officer's course in another state and whose last date of
12 employment as a peace officer was less than 36 months prior
13 to the date of his present appointment as a peace officer
14 may, within 1 year of his initial appointment as a peace
15 officer within this state, satisfy his basic educational
16 requirements by successfully passing a basic equivalency
17 test administered by the Montana law enforcement academy and
18 successfully completing a legal training course conducted by
19 the academy. If the peace officer fails the basic
20 equivalency test, he must complete the basic course within
21 120 days of the date of the test.

22 (6) THE BOARD OF CRIME CONTROL MAY EXTEND THE 1 YEAR
23 TIME REQUIREMENTS OF SUBSECTIONS (A) AND (C) UPON THE
24 WRITTEN APPLICATION OF THE PEACE OFFICER AND THE APPOINTING
25 AUTHORITY OF THE OFFICER. THE APPLICATION MUST EXPLAIN THE

1 CIRCUMSTANCES WHICH MAKE THE EXTENSION NECESSARY. FACTORS
2 WHICH THE BOARD MAY CONSIDER IN GRANTING OR DENYING THE
3 EXTENSION INCLUDE BUT ARE NOT LIMITED TO: ILLNESS OF THE
4 PEACE OFFICER OR A MEMBER OF HIS IMMEDIATE FAMILY; ABSENCE
5 OF REASONABLE ACCESS TO THE BASIC COURSE OR THE LEGAL
6 TRAINING COURSE; AND AN UNREASONABLE SHORTAGE OF MANPOWER
7 WITHIN THE DEPARTMENT. THE BOARD MAY NOT GRANT AN EXTENSION
8 TO EXCEED 180 DAYS.

9 ~~161(7)~~ A peace officer who has successfully met the
10 employment standards and qualifications and the educational
11 requirements of this section and who has completed a 1-year
12 probationary term of employment shall, upon application to
13 the board of crime control, be issued a basic certificate by
14 the board, certifying that the peace officer has met all the
15 basic qualifying peace officer standards of this state."

-End-

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3 BY REQUEST OF THE BOARD OF CRIME CONTROL

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17 ~~education, and certification standards of board of crime~~
18 ~~control. (1) For purposes of this section, unless the~~
19 ~~context clearly indicates otherwise, "peace officer" means a~~
20 ~~deputy sheriff, undersheriff, police officer, highway~~
21 ~~patrolmen, fish and game warden, campus security officer, or~~
22 ~~airport police officer.~~

23 (2) No sheriff of a county, mayor of a city, board,
24 commission, or other person authorized by law to appoint

1 ~~special deputies, marshals, or policemen~~ peace officers in
2 this state ~~to preserve the public peace and prevent or quell~~
3 ~~public disturbance~~ shall hereafter appoint ~~as such special~~
4 ~~deputy, marshal, or policeman~~ any person as a peace officer
5 who does not meet the minimum following qualifications plus
6 any additional qualifying standards for employment
7 promulgated by the board of crime control:

8 (a) be a citizen of the United States;9 (b) be at least 18 years of age;

10 (c) be fingerprinted, and a search made of the local,
11 state, and national fingerprint files to disclose any
12 criminal records;

13 (d) not have been convicted of a crime for which he
14 could have been imprisoned in a federal or state
15 penitentiary;

16 (e) be of good moral character, as determined by a
17 thorough background investigation;

18 (f) be a high school graduate or have passed the
19 general education development test and have been issued an
20 equivalency certificate by the superintendent of public
21 instruction or by an appropriate issuing agency of another
22 state or of the federal government;

23 (g) be examined by a licensed physician, who is not
24 the applicant's personal physician, appointed by the
25 employing authority to determine if the applicant is free

1 from any emotional, mental, or physical condition that might
2 adversely affect performance by the applicant of the duties
3 of a peace officer;

4 (h) ~~successfully complete an oral examination~~
5 ~~conducted by the appointing authority or its designated~~
6 ~~representative to demonstrate the possession of~~
7 ~~communication skills, temperament, motivation, and other~~
8 ~~characteristics necessary to the accomplishment of the~~
9 ~~duties and functions of a peace officer; and~~

10 (i) ~~possess or be eligible for a valid Montana~~
11 ~~driver's license.~~

12 (j) ~~At the time of appointment a peace officer must~~
13 ~~take a formal oath of office.~~

14 (k) ~~Within 10 days of the appointment, termination,~~
15 ~~resignation, or death of any peace officer, written notice~~
16 ~~thereof must be given to the board of crime control by the~~
17 ~~employing authority.~~

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10 employment standards and qualifications and the educational
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12 probationary term of employment shall, upon application to
13 the board of crime control, be issued a basic certificate by
14 the board, certifying that the peace officer has met all the
15 basic qualifying peace officer standards of this state."

-End-

HOUSE JUDICIARY
COMMITTEE

AMENDMENTS TO SENATE BILL 127

March 8, 1983

Third Reading Copy (blue)

BE AMENDED AS FOLLOWS:

1. Page 1, line 22.
Strike: "patrolmen"
Insert: "patrolman"

2. Page 5, line 6.
Strike: "MANPOWER"
Insert: "personnel"

AND AS AMENDED
BE CONCURRED IN

MARCH 10, 1983

HOUSE COMMITTEE OF THE WHOLE AMENDMENTS TO SENATE BILL 127, THIRD READING
COPY (BLUE) WITH HOUSE JUDICIARY COMMITTEE AMENDMENTS OF March 8, 1983

1. Page 3, line 1
Strike: "emotional,"
Following: "mental"
Strike: "l"

ADOPT

REJECT

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-End-