

HOUSE BILL NO. 900

INTRODUCED BY HART, D. BROWN, GILBERT, POFF

BY REQUEST OF THE HOUSE LOCAL GOVERNMENT COMMITTEE

IN THE HOUSE

February 20, 1985	Introduced and referred to Committee on Local Government.
February 22, 1985	Committee recommend bill do pass as amended. Report adopted.
	Bill printed and placed on members' desks.
February 25, 1985	Second reading, do pass.
	Considered correctly engrossed.
February 26, 1985	Third reading, passed.
	Transmitted to Senate.

IN THE SENATE

March 4, 1985	Introduced and referred to Committee on Local Government.
March 26, 1985	Committee recommend bill be concurred in as amended. Report adopted.
March 29, 1985	Second reading, concurred in.
April 1, 1985	Third reading, concurred in. Ayes, 48; Noes, 0.
	Returned to House with amendments.

IN THE HOUSE

April 2, 1985

Received from Senate.

April 8, 1985

Second reading, amendments not concurred in.

On motion, Conference Committee requested.

April 9, 1985

Conference Committee appointed.

April 15, 1985

Conference Committee dissolved.

On motion, Free Conference Committee requested and appointed.

April 19, 1985

Free Conference Committee reported.

Free Conference Committee report adopted by Senate.

April 20, 1985

Second reading, Free Conference Committee report adopted.

Third reading, Free Conference Committee report adopted.

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 900
 2 INTRODUCED BY M. Hank Dave Brown Gilbert Poff
 3 BY REQUEST OF THE HOUSE LOCAL GOVERNMENT COMMITTEE

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT A PEACE
 6 OFFICER WITH A LAPSE IN EMPLOYMENT AS A PEACE OFFICER
 7 EXCEEDING 3 YEARS MAY FULFILL HIS BASIC PEACE OFFICER
 8 TRAINING REQUIREMENTS BY PASSING AN EQUIVALENCY TEST;
 9 AMENDING SECTION 7-32-303, MCA; AND PROVIDING AN IMMEDIATE
 10 EFFECTIVE DATE."

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

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

14 "7-32-303. Peace officer employment, education, and
 15 certification standards. (1) For purposes of this section,
 16 unless the context clearly indicates otherwise, "peace
 17 officer" means a deputy sheriff, undersheriff, police
 18 officer, highway patrolman, fish and game warden, campus
 19 security officer, or airport police officer.

20 (2) No sheriff of a county, mayor of a city, board,
 21 commission, or other person authorized by law to appoint
 22 peace officers in this state shall appoint any person as a
 23 peace officer who does not meet the following qualifications
 24 plus any additional qualifying standards for employment
 25 promulgated by the board of crime control:

- 1 (a) be a citizen of the United States;
- 2 (b) be at least 18 years of age;
- 3 (c) be fingerprinted and a search made of the local,
 4 state, and national fingerprint files to disclose any
 5 criminal record;
- 6 (d) not have been convicted of a crime for which he
 7 could have been imprisoned in a federal or state
 8 penitentiary;
- 9 (e) be of good moral character, as determined by a
 10 thorough background investigation;
- 11 (f) be a high school graduate or have passed the
 12 general education development test and have been issued an
 13 equivalency certificate by the superintendent of public
 14 instruction or by an appropriate issuing agency of another
 15 state or of the federal government;
- 16 (g) be examined by a licensed physician, who is not
 17 the applicant's personal physician, appointed by the
 18 employing authority to determine if the applicant is free
 19 from any mental or physical condition that might adversely
 20 affect performance by the applicant of the duties of a peace
 21 officer;
- 22 (h) successfully complete an oral examination
 23 conducted by the appointing authority or its designated
 24 representative to demonstrate the possession of
 25 communication skills, temperament, motivation, and other



1 characteristics necessary to the accomplishment of the
2 duties and functions of a peace officer; and

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

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

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

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

22 (b) A peace officer who has been issued a basic
23 certificate by the board of crime control and whose last
24 date of employment as a peace officer was less than 36
25 months prior to the date of his present appointment as a

1 peace officer is not required to fulfill the basic
2 educational requirements of subsection (5)(a) If such peace
3 officer's last date of employment as a peace officer was 36
4 or more months prior to the date of his present employment
5 as a peace officer, he may satisfy his basic educational
6 requirements as set forth in subsection (5)(c).

7 (c) A peace officer under the provisions of subsection
8 (5)(b) or 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 present employment or initial
13 appointment as a peace officer within this state, satisfy
14 his basic educational requirements by successfully passing
15 a basic equivalency test administered by the Montana law
16 enforcement academy and successfully completing a legal
17 training course conducted by the academy. If the peace
18 officer fails the basic equivalency test, he must complete
19 the basic course within 120 days of the date of the test.

20 (6) The board of crime control may extend the 1-year
21 time requirements of subsections (5)(a) and (5)(c) upon the
22 written application of the peace officer and the appointing
23 authority of the officer. The application must explain the
24 circumstances which make the extension necessary. Factors
25 which the board may consider in granting or denying the

1 extension include but are not limited to illness of the
2 peace officer or a member of his immediate family, absence
3 of reasonable access to the basic course or the legal
4 training course, and an unreasonable shortage of personnel
5 within the department. The board may not grant an extension
6 to exceed 180 days.

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

14 NEW SECTION. Section 2. Effective date. This act is
15 effective on passage and approval.

-End-

APPROVED BY COMM.
ON LOCAL GOVERNMENT

HOUSE BILL NO. 900

INTRODUCED BY HART, D. BROWN, GILBERT, POFF

BY REQUEST OF THE HOUSE LOCAL GOVERNMENT COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT A PEACE OFFICER WITH A LAPSE IN EMPLOYMENT AS A PEACE OFFICER EXCEEDING 3 BUT LESS THAN 5 YEARS MAY FULFILL HIS BASIC PEACE OFFICER TRAINING REQUIREMENTS BY PASSING AN EQUIVALENCY TEST; AMENDING SECTION 7-32-303, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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. Peace officer employment, education, and certification standards. (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 peace officers in this state shall appoint any person as a peace officer who does not meet the 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 record;

(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 from any mental or physical condition that might adversely affect performance by the applicant of the duties of a peace officer;

(h) successfully complete an oral examination conducted by the appointing authority or its designated representative to demonstrate the possession of communication skills, temperament, motivation, and other

1 characteristics necessary to the accomplishment of the
2 duties and functions of a peace officer; and

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

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

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

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

22 (b) A peace officer who has been issued a basic
23 certificate by the board of crime control and whose last
24 date of employment as a peace officer was less than 36
25 months prior to the date of his present appointment as a

1 peace officer is not required to fulfill the basic
2 educational requirements of subsection (5)(a) If such peace
3 officer's last date of employment as a peace officer was 36
4 or more BUT LESS THAN 60 months prior to the date of his
5 present employment as a peace officer, he may satisfy his
6 basic educational requirements as set forth in subsection
7 (5)(c).

8 (c) A peace officer under the provisions of subsection
9 (5)(b) or a peace officer who has completed a basic peace
10 officer's course in another state and whose last date of
11 employment as a peace officer was less than 36 months prior
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19 officer fails the basic equivalency test, he must complete
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22 time requirements of subsections (5)(a) and (5)(c) upon the
23 written application of the peace officer and the appointing
24 authority of the officer. The application must explain the
25 circumstances which make the extension necessary. Factors

1 which the board may consider in granting or denying the
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5 training course, and an unreasonable shortage of personnel
6 within the department. The board may not grant an extension
7 to exceed 180 days.

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9 employment standards and qualifications and the educational
10 requirements of this section and who has completed a 1-year
11 probationary term of employment shall, upon application to
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7 could have been imprisoned in a federal or state
8 penitentiary;

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10 thorough background investigation;

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12 general education development test and have been issued an
13 equivalency certificate by the superintendent of public
14 instruction or by an appropriate issuing agency of another
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17 the applicant's personal physician, appointed by the
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19 from any mental or physical condition that might adversely
20 affect performance by the applicant of the duties of a peace
21 officer;

22 (h) successfully complete an oral examination
23 conducted by the appointing authority or its designated
24 representative to demonstrate the possession of
25 communication skills, temperament, motivation, and other

1 characteristics necessary to the accomplishment of the
2 duties and functions of a peace officer; and

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4 driver's license.

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8 resignation, or death of any peace officer, written notice
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13 the board, certifying that the peace officer has met all the
14 basic qualifying peace officer standards of this state."

15 NEW SECTION. Section 2. Effective date. This act is
16 effective on passage and approval.

-End-

STANDING COMMITTEE REPORT

SENATE

MARCH 26

19 85

MR. PRESIDENT

LOCAL GOVERNMENT

We, your committee on

HOUSE BILL

900

having had under consideration

No.

THIRD

reading copy (

BLUE

color

(HIRSCH WILL CARRY)

5 YEAR GAP IN EMPLOYMENT AS PEACE OFFICER BEFORE RETAKING
BASIC TRAINING

HOUSE BILL

900

Respectfully report as follows: That

No.

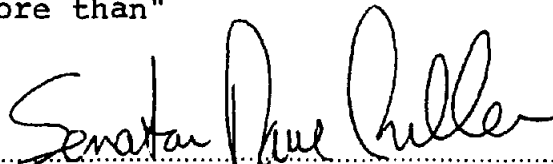
be amended as follows:

1. Page 3, line 23.
Following: "control"
Insert: "or has completed a basic peace officer's course
in another state"
2. Page 3, lines 24 and 25.
Following: "was" on line 24
Insert: "36 months or"
Following: "less"
Strike: remainder of line 24 through "months" on line 25
3. Page 4, lines 2 through 7.
Following: "(5)(a)" on line 2
Insert: "."
Strike: remainder of line 2 through line 7
4. Page 4, lines 8 and 9.
Following: "officer" on line 8
Strike: remainder of line 8 through "officer" on line 9
5. Page 4, line 9.
Following: "who has"
Insert: "been issued a basic certificate by the board of
crime control or has"
6. Page 4, line 11.
Following: "less than"
Insert: "60 months but more than"

~~XXXXXX~~

~~XXXXXXXX~~

AND AS AMENDED
BE CONCURRED IN


Senator Dave Fuller

Chairman.

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7 could have been imprisoned in a federal or state
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19 from any mental or physical condition that might adversely
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REFERENCE BILL

HB 900

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22 (b) A peace officer who has been issued a basic
23 certificate by the board of crime control OR HAS COMPLETED A
24 BASIC PEACE OFFICER'S COURSE IN ANOTHER STATE and whose last
25 date of employment as a peace officer was 36 MONTHS OR less

1 ~~than 36 months~~ prior to the date of his present appointment
2 as a peace officer is not required to fulfill the basic
3 educational requirements of subsection (5)(a). ~~If such peace~~
4 ~~officer's last date of employment as a peace officer was 36~~
5 ~~or more BUT LESS THAN 60 months prior to the date of his~~
6 ~~present employment as a peace officer, he may satisfy his~~
7 ~~basic educational requirements as set forth in subsection~~
8 ~~(5)(c):~~

9 (c) A peace officer ~~under the provisions of subsection~~
10 ~~(5)(b) or a peace officer~~ who has BEEN ISSUED A BASIC
11 CERTIFICATE BY THE BOARD OF CRIME CONTROL OR HAS completed a
12 basic peace officer's course in another state and whose last
13 date of employment as a peace officer was less than 60
14 MONTHS BUT MORE THAN 36 months prior to the date of his
15 present appointment as a peace officer may, within 1 year of
16 his present employment or initial appointment as a peace
17 officer within this state, satisfy his basic educational
18 requirements by successfully passing a basic equivalency
19 test administered by the Montana law enforcement academy and
20 successfully completing a legal training course conducted by
21 the academy. If the peace officer fails the basic
22 equivalency test, he must complete the basic course within
23 120 days of the date of the test.

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25 time requirements of subsections (5)(a) and (5)(c) upon the

1 written application of the peace officer and the appointing
2 authority of the officer. The application must explain the
3 circumstances which make the extension necessary. Factors
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12 employment standards and qualifications and the educational
13 requirements of this section and who has completed a 1-year
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15 the board of crime control, be issued a basic certificate by
16 the board, certifying that the peace officer has met all the
17 basic qualifying peace officer standards of this state."

18 NEW SECTION. Section 2. Effective date. This act is
19 effective on passage and approval.

-End-

CONFERENCE COMMITTEE REPORT

Report No. 1

April 16 19 85

MR. PRESIDENT

We, your _____ FREE _____ Conference Committee on

HOUSE BILL NO.900, reference copy, salmon,

met and considered _____ the Senate Amendments to House Bill No.900

on April 16, 1985.

We recommend as follows:

- 1. Page 3, lines 23 and 24.
Strike: "OR HAS COMPLETED A BASIC PEACE OFFICER'S COURSE IN ANOTHER STATE"
- 2. Page 3, line 25.
Strike: "36 MONTHS OR"
- 3. Page 4, line 1.
Following: "months"
Insert: "than 36 months"

(CONTINUED)
Page 1 of 2

XX

XXXXXXXXXXXX

XXXXXXXXXXXX

XXXXXX XXXXX

.....April 16..... 19..85..

Page 2 of 2
FCCSB900

4. Page 4, line 8.
Following: "(5)-(e)"
Insert: "If such peace officer's last date of employment as a peace officer was 36 or more but less than 60 months prior to the date of his present employment as a peace officer, he may satisfy his basic educational requirements as set forth in subsection (5) (c)."

5. Page 4, line 10.
Following: "officer"
Insert: "under the provisions of subsection (5) (b) or a peace officer"

6. Page 4, lines 10 and 11.
Strike: "BEEN ISSUED A BASIC CERTIFICATE BY THE BOARD OF CRIME CONTROL OR HAS"

7. Page 4, line 14.
Strike: "MONTHS BUT MORE THAN 36"

FCCHB900

And that this Conference Committee report be adopted.

FOR THE SENATE

James Fuller
FULLER

Sam Hirsch
HIRSCH

Story
STORY

ADOPT REJECT

FOR THE HOUSE

H. Fritz
FRITZ

M. Hart
HART

Walter Sales
SALES

Jack Sands
SANDS

90

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25 promulgated by the board of crime control:

1 (a) be a citizen of the United States;

2 (b) be at least 18 years of age;

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

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

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

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

16 (g) be examined by a licensed physician, who is not
17 the applicant's personal physician, appointed by the
18 employing authority to determine if the applicant is free
19 from any mental or physical condition that might adversely
20 affect performance by the applicant of the duties of a peace
21 officer;

22 (h) successfully complete an oral examination
23 conducted by the appointing authority or its designated
24 representative to demonstrate the possession of
25 communication skills, temperament, motivation, and other

1 characteristics necessary to the accomplishment of the
2 duties and functions of a peace officer; and

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

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

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

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

22 (b) A peace officer who has been issued a basic
23 certificate by the board of crime control ~~OR HAS COMPLETED A~~
24 ~~BASIC PEACE OFFICER'S COURSE IN ANOTHER STATE~~ and whose last
25 date of employment as a peace officer was ~~36 MONTHS OR~~ less

1 ~~than 36 months~~ THAN 36 MONTHS prior to the date of his
2 present appointment as a peace officer is not required to
3 fulfill the basic educational requirements of subsection
4 (5)(a). ~~IF SUCH PEACE OFFICER'S LAST DATE OF~~
5 ~~EMPLOYMENT AS A PEACE OFFICER WAS 36 OR MORE BUT LESS THAN~~
6 ~~60 MONTHS PRIOR TO THE DATE OF HIS PRESENT EMPLOYMENT AS A~~
7 ~~PEACE OFFICER, HE MAY SATISFY HIS BASIC EDUCATIONAL~~
8 ~~REQUIREMENTS AS SET FORTH IN SUBSECTION (5)(C).~~
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10
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12

13 (c) A peace officer ~~UNDER THE PROVISIONS OF SUBSECTION~~
14 ~~(5)(b) OR A PEACE OFFICER~~ UNDER THE PROVISIONS OF SUBSECTION
15 (5)(B) OR A PEACE OFFICER who has ~~BEEN ISSUED A BASIC~~
16 ~~CERTIFICATE BY THE BOARD OF CRIME CONTROL OR HAS~~ completed a
17 basic peace officer's course in another state and whose last
18 date of employment as a peace officer was less than 60
19 ~~MONTHS--BUT--MORE--THAN~~ 36 months prior to the date of his
20 present appointment as a peace officer may, within 1 year of
21 his present employment or initial appointment as a peace
22 officer within this state, satisfy his basic educational
23 requirements by successfully passing a basic equivalency
24 test administered by the Montana law enforcement academy and
25 successfully completing a legal training course conducted by

1 the academy. If the peace officer fails the basic
2 equivalency test, he must complete the basic course within
3 120 days of the date of the test.

4 (6) The board of crime control may extend the 1-year
5 time requirements of subsections (5)(a) and (5)(c) upon the
6 written application of the peace officer and the appointing
7 authority of the officer. The application must explain the
8 circumstances which make the extension necessary. Factors
9 which the board may consider in granting or denying the
10 extension include but are not limited to illness of the
11 peace officer or a member of his immediate family, absence
12 of reasonable access to the basic course or the legal
13 training course, and an unreasonable shortage of personnel
14 within the department. The board may not grant an extension
15 to exceed 180 days.

16 (7) A peace officer who has successfully met the
17 employment standards and qualifications and the educational
18 requirements of this section and who has completed a 1-year
19 probationary term of employment shall, upon application to
20 the board of crime control, be issued a basic certificate by
21 the board, certifying that the peace officer has met all the
22 basic qualifying peace officer standards of this state."

23 NEW SECTION. Section 2. Effective date. This act is
24 effective on passage and approval.

-End-