

HB 17 INTRODUCED BY SPAETH, ET AL.  
ABOLISH THE BOARD OF CRIME CONTROL -- ALLOCATE  
FUNCTIONS TO DEPT OF JUSTICE

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ABOLISH THE BOARD OF CRIME CONTROL -- ALLOCATE  
FUNCTIONS TO DEPT OF JUSTICE

6/17 INTRODUCED

6/17 REFERRED TO STATE ADMINISTRATION

6/19 HEARING

6/23 ADVERSE COMMITTEE REPORT

BILL KILLED

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1 House BILL NO. 17  
2 INTRODUCED BY Smith Moore  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT ABOLISHING THE BOARD OF  
5 CRIME CONTROL; ALLOCATING BOARD FUNCTIONS TO THE DEPARTMENT  
6 OF JUSTICE; AMENDING SECTIONS 7-32-214, 7-32-303, 7-32-2233,  
7 7-32-4112, AND 44-4-301, MCA; AND REPEALING SECTION  
8 2-15-2006, MCA."

9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 7-32-214, MCA, is amended to read:

12 "7-32-214. Basic training program required. (1) No  
13 reserve officer may be authorized to function as a  
14 representative of a law enforcement agency performing  
15 general law enforcement duties after 2 years from the  
16 original appointment unless the reserve officer has  
17 satisfactorily completed a minimum 88-hour basic training  
18 program which must include but need not be limited to the  
19 following course content:

- 20 (a) introduction and orientation--1 hour;  
21 (b) police ethics and professionalism--1 hour;  
22 (c) criminal law--4 hours;  
23 (d) laws of arrest--4 hours;  
24 (e) criminal evidence--4 hours;  
25 (f) administration of criminal law--2 hours;

- 1 (g) communications, reports, and records--2 hours;  
2 (h) crime investigations--3 hours;  
3 (i) interviews and interrogations--2 hours;  
4 (j) patrol procedures--6 hours;  
5 (k) crisis intervention--4 hours;  
6 (l) police human and community relations--3 hours;  
7 (m) juvenile procedures--2 hours;  
8 (n) defensive tactics--4 hours;  
9 (o) crowd control tactics--4 hours;  
10 (p) firearms training--30 hours;  
11 (q) first aid--10 hours; and  
12 (r) examination--2 hours.

13 (2) The law enforcement agency is responsible for  
14 training its reserve officers in accordance with minimum  
15 training standards established by the Montana-board-of-crime  
16 control department of justice."

17 Section 2. Section 7-32-303, MCA, is amended to read:

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

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

1 peace officers in this state shall appoint any person as a  
 2 peace officer who does not meet the following qualifications  
 3 plus any additional qualifying standards for employment  
 4 promulgated by the ~~board-of-crime-control~~ department of  
 5 justice:

- 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 mental or physical condition that might adversely  
 25 affect performance by the applicant of the duties of a peace

1 officer;

2 (h) 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~~  
 15 department of justice by the 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~~  
 22 department of justice. Any peace officer appointed after  
 23 September 30, 1983, who fails to meet the minimum  
 24 requirements as set forth in subsection (2) or who fails to  
 25 complete the basic course as required by this subsection

1 forfeits the position, authority, and arrest powers accorded  
2 a peace officer in this state.

3 (b) A peace officer who has been issued a basic  
4 certificate by the ~~board--of--crime--control~~ department of  
5 justice and whose last date of employment as a peace officer  
6 was less than 36 months prior to the date of his present  
7 appointment as a peace officer is not required to fulfill  
8 the basic educational requirements of subsection (5)(a). If  
9 such peace officer's last date of employment as a peace  
10 officer was 36 or more but less than 60 months prior to the  
11 date of his present employment as a peace officer, he may  
12 satisfy his basic educational requirements as set forth in  
13 subsection (5)(c).

14 (c) A peace officer under the provisions of subsection  
15 (5)(b) or a peace officer who has completed a basic peace  
16 officer's course in another state and whose last date of  
17 employment as a peace officer was less than 60 months prior  
18 to the date of his present appointment as a peace officer  
19 may, within 1 year of his present employment or initial  
20 appointment as a peace officer within this state, satisfy  
21 his basic educational requirements by successfully passing  
22 a basic equivalency test administered by the Montana law  
23 enforcement academy and successfully completing a legal  
24 training course conducted by the academy. If the peace  
25 officer fails the basic equivalency test, he must complete

1 the basic course within 120 days of the date of the test.

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

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

23 Section 3. Section 7-32-2233, MCA, is amended to read:

24 "7-32-2233. Requests for contract proposals. (1) A  
25 county seeking to enter into a contract under 7-32-2201 and

7-32-2232 may publish a request for proposals. The request for proposals must be published in a newspaper of general circulation in the county once a week for 3 successive weeks and must include information concerning the type of jail services required.

(2) Requests for proposals must be sent to persons who have previously requested that their names be placed on a list of persons providing jail services. The ~~Montana--board of-crime-control~~ department of justice shall maintain a list of persons providing jail services and furnish the list to a county upon request.

(3) In selecting a proposal and awarding a contract, a county need not accept the proposal with the lowest cost.

(4) The county must base its selection on demonstrated competence, knowledge and qualifications, the reasonableness of the services proposed, and the reasonableness of the proposed contract price for the jail services.

(5) A copy of all proposals must be kept available for public inspection in the office of the county clerk and recorder.

(6) The county must give specific reasons for its selection of a proposal. The reasons must be recorded in the minutes of the governing body of the county."

Section 4. Section 7-32-4112, MCA, is amended to read:

"7-32-4112. Qualifications of policemen. (1) The

members of the police department on the active list of any city at the time of their appointment under this part may not be less than 18 years of age or more than 35 years of age, but this restriction does not apply to any member of any police department as of July 2, 1973, to honorably discharged persons who served in the armed forces of the United States in time of war, providing such time of service is not less than 3 months, or to applicants for reinstatement under 7-32-4110.

(2) A police officer must be a citizen of the United States and meet the minimum qualifying standards for employment promulgated by the ~~board--of--crime---control~~ department of justice."

Section 5. Section 44-4-301, MCA, is amended to read:

"44-4-301. Functions Peace officers -- standards. 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-of-crime-control--shall-perform the-functions-assigned-to-it-under-that-act,--The-board-shall have-the-authority To insure the public health, welfare, and safety, the department of justice may adopt rules to:

(1) 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

1 penal, traffic, or fish and game laws of this state and its  
2 political subdivisions;  
3 (2) require basic training for such officers;  
4 (3) establish minimum standards for equipment and  
5 procedures and for advanced in-service training for such  
6 officers; and  
7 (4) establish minimum standards for any law  
8 enforcement training schools administered by the state or  
9 any of its political subdivisions or agencies, to insure the  
10 public health, welfare, and safety. The board may waive the  
11 minimum qualification standard for good cause shown."  
12 NEW SECTION. Section 6. Repealer. Section 2-15-2006,  
13 MCA, is repealed.

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