

HB 17 INTRODUCED BY SPAETH, ET AL.
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

73 17

BILL KILLED

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

1 7-32-2232 may publish a request for proposals. The request
 2 for proposals must be published in a newspaper of general
 3 circulation in the county once a week for 3 successive weeks
 4 and must include information concerning the type of jail
 5 services required.

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

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

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

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

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

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

25 "7-32-4112. Qualifications of policemen. (1) The

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

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

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

15 "44-4-301. Functions Peace officers -- standards. As
 16 ~~designated--by--the--governor--as--the-state-planning-agency~~
 17 ~~under-the-Omnibus-Crime-Control--and--Safe--Streets--Act--of~~
 18 ~~1960--as--amended--the-board-of-crime-control--shall-perform~~
 19 ~~the-functions-assigned-to-it-under-that-act--The-board-shall~~
 20 ~~have-the-authority~~ To insure the public health, welfare, and
 21 safety, the department of justice may adopt rules to:

22 (1) establish minimum qualifying standards for
 23 employment of peace officers whose primary responsibility as
 24 authorized by law includes either the prevention and
 25 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.

-End-