



IN THE HOUSE

APRIL 8, 1987

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS  
CONCURRED IN.

APRIL 9, 1987

THIRD READING, AMENDMENTS  
CONCURRED IN.

SENT TO ENROLLING.

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House BILL NO. 610

INTRODUCED BY *Don Brown* *Meraban* *Harrold* *Steen*  
*By* *Ullrich* *Hoff* *Richard E. Manning* *Hayes* *Speck*  
 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING PAROLE AND  
 PROBATION OFFICERS TRAINED IN THE USE OF FIREARMS TO CARRY  
 FIREARMS IN CERTAIN SITUATIONS; AND AMENDING SECTIONS  
 46-23-1003 AND 46-23-1004, MCA." *Whalen* *Steen* *Manning*  
*Walker* *Carlwick*

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

Section 1. Section 46-23-1003, MCA, is amended to read:

"46-23-1003. Qualifications of probation and parole officers. (1) Probation and parole officers shall have at least a college degree and shall have received at least some formal training in behavioral sciences. Exceptions to this rule must be approved by the department. Related work experience in the areas listed in 2-15-2302(2) may be substituted for educational requirements at the rate of 1 year of experience for 9 months formal education if approved by the department. All present employees will be exempt from this requirement but are encouraged to further their education at the earliest opportunity.

(2) The department shall establish firearms training requirements for those probation and parole officers authorized to carry firearms in performing designated

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duties."

Section 2. Section 46-23-1004, MCA, is amended to read:

"46-23-1004. Duties of the department. The department is responsible for any investigation and supervision requested by the board or the courts. The department shall:

(1) divide the state into districts and assign probation and parole officers to serve in these districts and courts;

(2) obtain any necessary office quarters for the staff in each district;

(3) assign the secretarial, bookkeeping, and accounting work to the clerical employees, including receipt and disbursement of money;

(4) direct the work of the probation and parole officers and other employees;

(5) formulate methods of investigation, supervision, recordkeeping, and reports;

(6) conduct training courses for the staff, including firearms training for designated employees;

(7) cooperate with all agencies, public and private, which are concerned with the treatment or welfare of persons on probation or parole;

(8) administer the interstate compact for the supervision of parolees and probationers;



1       (9) designate the job-related duties and situations  
2 when it is appropriate and necessary for a probation or  
3 parole officer to carry a firearm; and

4       (10) authorize district supervisors to allow probation  
5 and parole officers trained in the use of firearms to carry  
6 firearms in appropriate situations."

7       NEW SECTION. Section 3. Extension of authority. Any  
8 existing authority of the department of institutions to make  
9 rules on the subject of the provisions of this act is  
10 extended to the provisions of this act.

-End-

APPROVED BY COMMITTEE  
ON JUDICIARY

1 *House* BILL NO. *610*  
 2 INTRODUCED BY *James Brown* Member *House* *Sting*  
 3 *By* *Ullrich* *Haffey* *Richard E. Manning* *Hayes* *Spicer*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING PAROLE AND  
 5 PROBATION OFFICERS TRAINED IN THE USE OF FIREARMS TO CARRY *Appl*  
 6 FIREARMS IN CERTAIN SITUATIONS; AND AMENDING SECTIONS *Story*  
 7 46-23-1003 AND 46-23-1004, MCA." *Whalen*  
 8 *Waller* *Carlson* *Stinner* *Manuel*

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 10 Section 1. Section 46-23-1003, MCA, is amended to  
 11 read:  
 12 "46-23-1003. Qualifications of probation and parole  
 13 officers. (1) Probation and parole officers shall have at  
 14 least a college degree and shall have received at least some  
 15 formal training in behavioral sciences. Exceptions to this  
 16 rule must be approved by the department. Related work  
 17 experience in the areas listed in 2-15-2302(2) may be  
 18 substituted for educational requirements at the rate of 1  
 19 year of experience for 9 months formal education if approved  
 20 by the department. All present employees will be exempt from  
 21 this requirement but are encouraged to further their  
 22 education at the earliest opportunity.  
 23 (2) The department shall establish firearms training  
 24 requirements for those probation and parole officers  
 25 authorized to carry firearms in performing designated

1 duties."  
 2 Section 2. Section 46-23-1004, MCA, is amended to  
 3 read:  
 4 "46-23-1004. Duties of the department. The department  
 5 is responsible for any investigation and supervision  
 6 requested by the board or the courts. The department shall:  
 7 (1) divide the state into districts and assign  
 8 probation and parole officers to serve in these districts  
 9 and courts;  
 10 (2) obtain any necessary office quarters for the staff  
 11 in each district;  
 12 (3) assign the secretarial, bookkeeping, and  
 13 accounting work to the clerical employees, including receipt  
 14 and disbursement of money;  
 15 (4) direct the work of the probation and parole  
 16 officers and other employees;  
 17 (5) formulate methods of investigation, supervision,  
 18 recordkeeping, and reports;  
 19 (6) conduct training courses for the staff, including  
 20 firearms training for designated employees;  
 21 (7) cooperate with all agencies, public and private,  
 22 which are concerned with the treatment or welfare of persons  
 23 on probation or parole;  
 24 (8) administer the interstate compact for the  
 25 supervision of parolees and probationers;



1       (9) designate the job-related duties and situations  
2 when it is appropriate and necessary for a probation or  
3 parole officer to carry a firearm; and

4       (10) authorize district supervisors to allow probation  
5 and parole officers trained in the use of firearms to carry  
6 firearms in appropriate situations."

7       NEW SECTION. Section 3. Extension of authority. Any  
8 existing authority of the department of institutions to make  
9 rules on the subject of the provisions of this act is  
10 extended to the provisions of this act.

-End-

1 House BILL NO. 610  
 2 INTRODUCED BY James Pro Meridian Harvey Steens  
 3 Van Valkenburg Richard E. Manning Harvey Steens  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING PAROLE AND  
 5 PROBATION OFFICERS TRAINED IN THE USE OF FIREARMS TO CARRY  
 6 FIREARMS IN CERTAIN SITUATIONS; AND AMENDING SECTIONS  
 7 46-23-1003 AND 46-23-1004, MCA." Whalen  
 8 Walter Carlsmith Stewart Manning

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 10 Section 1. Section 46-23-1003, MCA, is amended to  
 11 read:  
 12 "46-23-1003. Qualifications of probation and parole  
 13 officers. (1) Probation and parole officers shall have at  
 14 least a college degree and shall have received at least some  
 15 formal training in behavioral sciences. Exceptions to this  
 16 rule must be approved by the department. Related work  
 17 experience in the areas listed in 2-15-2302(2) may be  
 18 substituted for educational requirements at the rate of 1  
 19 year of experience for 9 months formal education if approved  
 20 by the department. All present employees will be exempt from  
 21 this requirement but are encouraged to further their  
 22 education at the earliest opportunity.  
 23 (2) The department shall establish firearms training  
 24 requirements for those probation and parole officers  
 25 authorized to carry firearms in performing designated

1 duties."  
 2 Section 2. Section 46-23-1004, MCA, is amended to  
 3 read:  
 4 "46-23-1004. Duties of the department. The department  
 5 is responsible for any investigation and supervision  
 6 requested by the board or the courts. The department shall:  
 7 (1) divide the state into districts and assign  
 8 probation and parole officers to serve in these districts  
 9 and courts;  
 10 (2) obtain any necessary office quarters for the staff  
 11 in each district;  
 12 (3) assign the secretarial, bookkeeping, and  
 13 accounting work to the clerical employees, including receipt  
 14 and disbursement of money;  
 15 (4) direct the work of the probation and parole  
 16 officers and other employees;  
 17 (5) formulate methods of investigation, supervision,  
 18 recordkeeping, and reports;  
 19 (6) conduct training courses for the staff, including  
 20 firearms training for designated employees;  
 21 (7) cooperate with all agencies, public and private,  
 22 which are concerned with the treatment or welfare of persons  
 23 on probation or parole;  
 24 (8) administer the interstate compact for the  
 25 supervision of parolees and probationers;

1       (9) designate the job-related duties and situations  
2 when it is appropriate and necessary for a probation or  
3 parole officer to carry a firearm; and

4       (10) authorize district supervisors to allow probation  
5 and parole officers trained in the use of firearms to carry  
6 firearms in appropriate situations."

7       NEW SECTION. Section 3. Extension of authority. Any  
8 existing authority of the department of institutions to make  
9 rules on the subject of the provisions of this act is  
10 extended to the provisions of this act.

-End-



## 1 HOUSE BILL NO. 610

2 INTRODUCED BY D. BROWN, MENAHAN, HARRINGTON, STANG,  
 3 VAN VALKENBURG, HAFPEY, MANNING, HARPER, SQUIRES,  
 4 DRISCOLL, CORNE', DAILY, QUILICI, O'CONNELL, STRIZICH,  
 5 STORY, PINSONEAULT, WHALEN, WALKER, PAVLOVICH,  
 6 MANUEL, STIMATZ,

7  
 8 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING PAROLE AND  
 9 PROBATION OFFICERS TRAINED IN THE USE OF FIREARMS TO CARRY  
 10 FIREARMS IN CERTAIN SITUATIONS, AND AMENDING SECTIONS  
 11 46-23-1003 AND 46-23-1004, MCA, REQUIRING THE DEPARTMENT OF  
 12 INSTITUTIONS AND PROBATION AND PAROLE OFFICERS TO STUDY AND  
 13 RECOMMEND TO THE LEGISLATURE IF IT IS APPROPRIATE AND  
 14 NECESSARY FOR A PROBATION OR PAROLE OFFICER TO CARRY A  
 15 FIREARM; AND PROVIDING A TERMINATION DATE."

16  
 17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

18 Refer to Third Reading Bill

19 (Strike everything after the enacting clause and insert:)

20 Section 1. Study of carrying of firearms by probation  
 21 and parole officers and training in their use --  
 22 recommendations to legislature. (1) The department of  
 23 institutions, together with state probation and parole  
 24 officers, shall determine, based upon an evaluation of the  
 25 job-related duties and situations, if it is appropriate and

1 necessary for a probation or parole officer to carry a  
 2 firearm.

3 (2) If the results of the study show that carrying of  
 4 firearms by probation or parole officers is appropriate and  
 5 necessary, the department shall recommend legislation to  
 6 implement such findings, including:

7 (a) authorization for carrying of firearms by  
 8 probation and parole officers;

9 (b) proper training requirements necessary for  
 10 authorization; and

11 (c) administrative rules required to implement the  
 12 legislation.

13 (3) The results of the study and any recommended  
 14 legislation must be submitted to the 51st legislature by  
 15 December 1, 1988.

16 Section 2. Termination date. This act terminates  
 17 December 1, 1988.

-End-

# STANDING COMMITTEE REPORT

## SENATE

March 28 19 87

MR. PRESIDENT

We, your committee on Senate Judiciary

having had under consideration HB 610 No.

third reading copy (blue color)

Authorize parole and probation officer to carry firearms at certain times.  
Brown, Dave XX (Pinsonneault)

HOUSE BILL 610

Respectfully report as follows: That No.

1. Title, lines 4 through 7.

Following: "AN ACT"

Strike: lines 4 through 7 in their entirety

Insert: "REQUIRING THE DEPARTMENT OF INSTITUTIONS AND PROBATION AND PAROLE OFFICERS TO STUDY AND RECOMMEND TO THE LEGISLATURE IF IT IS APPROPRIATE AND NECESSARY FOR A PROBATION OR PAROLE OFFICER TO CARRY A FIREARM; AND PROVIDING A TERMINATION DATE."

2. Pages 1 through 3.

Strike: everything following the enacting clause

Insert: "Section 1. Study of carrying of firearms by probation and parole officers and training in their use -- recommendations to legislature. (1) The department of institutions, together with state probation and parole officers, shall determine, based upon an evaluation of the job-related duties and situations, if it is appropriate and necessary for a probation or parole officer to carry a firearm.

(2) If the results of the study show that carrying of firearms by probation or parole officers is appropriate and necessary, the department shall recommend legislation to implement such findings, including:

(a) authorization for carrying of firearms by probation and parole officers;

(b) proper training requirements necessary for authorization; and

(c) administrative rules required to implement the legislation.

(3) The results of the study and any recommended legislation must be submitted to the 51st legislature by December 1, 1988.

Section 2. Termination date. This act terminates December 1, 1988

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~~XXXXXXXXXX~~

AND AS AMENDED  
BE CONCURRED IN

*[Signature]*  
Chairman.

3-28-87  
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