

HOUSE BILL NO. 146

INTRODUCED BY STRIZICH, CODY, THOFT, DARKO,
NISBET, GOOD, STICKNEY

BY REQUEST OF THE BOARD OF CRIME CONTROL

IN THE HOUSE

JANUARY 12, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
JANUARY 13, 1989	FIRST READING.
JANUARY 19, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 20, 1989	PRINTING REPORT.
JANUARY 21, 1989	ON MOTION, CONSIDERATION PASSED FOR MONDAY 1/23/89
JANUARY 23, 1989	SECOND READING, DO PASS AS AMENDED.
JANUARY 24, 1989	ENGROSSING REPORT.
JANUARY 25, 1989	THIRD READING, PASSED. AYES, 97; NOES, 0.
	TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 26, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
FEBRUARY 2, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
FEBRUARY 7, 1989	SECOND READING, CONCURRED IN.
FEBRUARY 9, 1989	THIRD READING, CONCURRED IN. AYES, 44; NOES, 6.
	RETURNED TO HOUSE.

IN THE HOUSE

FEBRUARY 10, 1989

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *House* BILL NO. *146*
2 INTRODUCED BY *W. H. Gray, Jeff Alanko, Rusty*
3 BY REQUEST OF THE BOARD OF CRIME CONTROL
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE DEPARTMENT
6 OF JUSTICE TO PROVIDE TRAINING AT THE MONTANA LAW
7 ENFORCEMENT ACADEMY FOR INDIVIDUALS WHO ARE NOT LAW
8 ENFORCEMENT OFFICERS BUT WHO MEET THE QUALIFICATIONS FOR
9 ADMISSION TO THE ACADEMY; AMENDING SECTIONS 44-10-102,
10 44-10-202, AND 44-10-301, MCA; AND PROVIDING AN EFFECTIVE
11 DATE."
12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14 **Section 1.** Section 44-10-102, MCA, is amended to read:
15 "44-10-102. Purpose. The purpose of this chapter shall
16 be to establish a Montana law enforcement academy to provide
17 Montana law enforcement officers and other individuals with
18 a means of securing ~~additional~~ training in the field of law
19 enforcement."
20 **Section 2.** Section 44-10-202, MCA, is amended to read:
21 "44-10-202. Powers and duties of department. The
22 department of justice shall have the power and it shall be
23 its duty to:
24 (1) establish qualifications for admission to the
25 academy;

1 (2) select from among the qualified applicants those
2 officers and other individuals who are to attend the academy
3 each year;
4 (3) determine the curriculum and methods of training
5 for the officers and other individuals attending the
6 academy;
7 (4) select and hire such staff as it ~~deems~~ considers
8 necessary to implement this chapter;
9 (5) establish rules for the conduct of the officers
10 and other individuals enrolled at the academy;
11 (6) award appropriate certificates to the officers and
12 other individuals who successfully complete their training;
13 (7) provide for the keeping of permanent records of
14 enrollment, attendance, and graduation and ~~such~~ other
15 records as the department ~~may-deem~~ considers necessary;
16 (8) make a yearly report in writing of the activities
17 of the academy. Copies of this report shall be sent to the
18 governor, attorney general, and secretary of state.
19 (9) do all other things necessary and desirable for
20 the establishment and operation of the academy not
21 inconsistent with this chapter or the constitution and
22 statutes of the state of Montana;
23 (10) accept and expend grants from federal, state,
24 county, and city governments or private persons,
25 associations, or corporations."

1 **Section 3.** Section 44-10-301, MCA, is amended to read:

2 **"44-10-301. Eligibility.** All bona fide Montana law
3 enforcement officers and other individuals who meet the
4 qualifications established by the department of justice
5 shall be eligible to apply for admission to ~~this~~ the Montana
6 law enforcement academy."

7 NEW SECTION. **Section 4.** Extension of authority. Any
8 existing authority to make rules on the subject of the
9 provisions of [this act] is extended to the provisions of
10 [this act].

11 NEW SECTION. **Section 5.** Effective date. [This act] is
12 effective July 1, 1989.

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

HOUSE BILL NO. 146

INTRODUCED BY STRIZICH, CODY, THOFT, DARKO,

NISBET, GOOD, STICKNEY

BY REQUEST OF THE BOARD OF CRIME CONTROL

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE DEPARTMENT OF JUSTICE TO PROVIDE TRAINING AT THE MONTANA LAW ENFORCEMENT ACADEMY FOR INDIVIDUALS WHO ARE NOT LAW ENFORCEMENT OFFICERS BUT WHO MEET THE QUALIFICATIONS FOR ADMISSION TO THE ACADEMY; AMENDING SECTIONS 44-10-102, 44-10-202, AND 44-10-301, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 44-10-102, MCA, is amended to read:

"44-10-102. Purpose. The purpose of this chapter shall be to establish a Montana law enforcement academy to provide Montana law enforcement officers and other QUALIFIED individuals with a means of securing ~~additional~~ training in the field of law enforcement."

Section 2. Section 44-10-202, MCA, is amended to read:

"44-10-202. Powers and duties of department. The department of justice shall have the power and it shall be its duty to:

(1) establish qualifications for admission to the

academy;

(2) select from among the qualified applicants those officers and other individuals who are to attend the academy each year;

(3) determine the curriculum and methods of training for the officers and other individuals attending the academy;

(4) select and hire ~~such~~ staff as it ~~deems~~ considers necessary to implement this chapter;

(5) establish rules for the conduct of the officers and other individuals enrolled at the academy;

(6) award appropriate certificates to ~~the~~ officers and other individuals who successfully complete their training;

(7) provide for the keeping of permanent records of enrollment, attendance, and graduation and ~~such~~ other records as the department ~~may-deem~~ considers necessary;

(8) make a yearly report in writing of the activities of the academy. Copies of this report shall be sent to the governor, attorney general, and secretary of state.

(9) do all other things necessary and desirable for the establishment and operation of the academy not inconsistent with this chapter or the constitution and statutes of the state of Montana;

(10) accept and expend grants from federal, state, county, and city governments or private persons,

1 associations, or corporations."

2 **Section 3.** Section 44-10-301, MCA, is amended to read:

3 "44-10-301. Eligibility. All bona fide Montana law
4 enforcement officers and other individuals who meet the
5 qualifications established by the department of justice
6 shall be eligible to apply for admission to ~~this~~ the Montana
7 law enforcement academy."

8 NEW SECTION. **Section 4.** Extension of authority. Any
9 existing authority to make rules on the subject of the
10 provisions of [this act] is extended to the provisions of
11 [this act].

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10 ADMISSION TO THE ACADEMY; AMENDING SECTIONS 44-10-102,
11 44-10-202, AND 44-10-301, MCA; AND PROVIDING AN EFFECTIVE
12 DATE."
13

14 STATEMENT OF INTENT

15 A statement of intent is included with this bill to
16 make clear the legislature's intent with regard to rules
17 that must be adopted under the extension of authority
18 included in [section 4] of the bill.

19 It is the intent of this bill to authorize attendance
20 at the Montana law enforcement academy of qualified
21 individuals who are not at the time employed as law
22 enforcement officers. Attendance is intended to be on a
23 space-available basis. Rules should be adopted to insure
24 continued priority for the training of law enforcement
25 officers. Rules should assure that law enforcement officer

1 training would not be disrupted or displaced by the
2 attendance of other qualified individuals.

3 It is the further intent of the legislature that all
4 costs of training are borne by the other qualified
5 individuals and not by the state of Montana. Should rules be
6 required to assure other qualified individuals bear the cost
7 of the training, including the establishment of an adequate
8 fee structure, it is the intent of the legislature that such
9 rules be adopted.

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

12 **Section 1.** Section 44-10-102, MCA, is amended to read:

13 "44-10-102. **Purpose.** The purpose of this chapter shall
14 be to establish a Montana law enforcement academy to provide
15 Montana law enforcement officers and other QUALIFIED
16 individuals with a means of securing ~~additional~~ training in
17 the field of law enforcement."

18 **Section 2.** Section 44-10-202, MCA, is amended to read:

19 "44-10-202. **Powers and duties of department.** The
20 department of justice shall have the power and it shall be
21 its duty to:

22 (1) establish qualifications for admission to the
23 academy;

24 (2) select from among the qualified applicants those
25 officers and other individuals who are to attend the academy

each year;

(3) determine the curriculum and methods of training for the officers and other individuals attending the academy;

(4) select and hire ~~such~~ staff as it ~~deems~~ considers necessary to implement this chapter;

(5) establish rules for the conduct of the officers and other individuals enrolled at the academy;

(6) award appropriate certificates to the officers and other individuals who successfully complete their training;

(7) provide for the keeping of permanent records of enrollment, attendance, and graduation and ~~such~~ other records as the department ~~may-deem~~ considers necessary;

(8) make a yearly report in writing of the activities of the academy. Copies of this report shall be sent to the governor, attorney general, and secretary of state.

(9) do all other things necessary and desirable for the establishment and operation of the academy not inconsistent with this chapter or the constitution and statutes of the state of Montana;

(10) accept and expend grants from federal, state, county, and city governments or private persons, associations, or corporations."

Section 3. Section 44-10-301, MCA, is amended to read:

"44-10-301. **Eligibility.** All bona fide Montana law

enforcement officers and other individuals who meet the qualifications established by the department of justice shall be eligible to apply for admission to this the Montana law enforcement academy."

NEW SECTION. **Section 4.** Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

NEW SECTION. **Section 5.** Effective date. [This act] is effective July 1, 1989.

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