

HOUSE BILL NO. 401

INTRODUCED BY D. BROWN, MERCER, STRIZICH, HANNAH, MAZUREK

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

IN THE HOUSE

JANUARY 24, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
JANUARY 25, 1989	FIRST READING.
FEBRUARY 6, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED. STATEMENT OF INTENT ADOPTED.
FEBRUARY 7, 1989	PRINTING REPORT.
FEBRUARY 11, 1989	SECOND READING, DO PASS.
FEBRUARY 13, 1989	ENGROSSING REPORT.
FEBRUARY 14, 1989	THIRD READING, PASSED. AYES, 86; NOES, 10. TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 15, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY. FIRST READING.
MARCH 21, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 22, 1989	SECOND READING, CONCURRED IN.
MARCH 27, 1989	THIRD READING, CONCURRED IN. AYES, 45; NOES, 4. RETURNED TO HOUSE.

MARCH 28, 1989

IN THE HOUSE

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *HOUSE* BILL NO. *401*
 2 INTRODUCED BY *Joe Brammer* *MERCER* *St. H. H. H.*
 3 BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS *Magnus*

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE
 6 DEPARTMENT OF INSTITUTIONS TO PERMIT PROBATION AND PAROLE
 7 OFFICERS TO CARRY FIREARMS; REQUIRING THE DEPARTMENT TO
 8 ADOPT RULES CONCERNING CARRYING OF FIREARMS; PERMITTING A
 9 PROBATION AND PAROLE OFFICER TO CARRY A CONCEALED WEAPON;
 10 APPROPRIATING MONEY FOR TRAINING, SUPPLIES, AND EQUIPMENT;
 11 AMENDING SECTIONS 45-8-317 AND 46-23-1002, MCA; AND
 12 PROVIDING AN EFFECTIVE DATE."

13
 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 **Section 1.** Section 46-23-1002, MCA, is amended to
 16 read:

17 "46-23-1002. Powers of the department. The department
 18 may:

19 (1) appoint probation and parole officers and other
 20 employees necessary to administer this part;

21 (2) authorize probation and parole officers to carry
 22 firearms when necessary. The department shall adopt rules
 23 establishing firearms training requirements and procedures
 24 for authorizing the carrying of firearms.

25 (2)(3) adopt rules for the conduct of persons placed

1 on parole or probation, except that the department may not
 2 make any rule conflicting with conditions of parole imposed
 3 by the board or conditions of probation imposed by a court."

4 **Section 2.** Section 45-8-317, MCA, is amended to read:

5 "45-8-317. Exceptions. Section 45-8-316 does not apply
 6 to:

7 (1) any peace officer of the state of Montana;

8 (2) any officer of the United States government
 9 authorized to carry a concealed weapon;

10 (3) a person in actual service as a national
 11 guardsman;

12 (4) a person summoned to the aid of any of the persons
 13 named in subsections (1) through (3);

14 (5) a civil officer or his deputy engaged in the
 15 discharge of official business;

16 (6) a probation and parole officer authorized to carry
 17 a firearm under 46-23-1002;

18 ~~(6)(7)~~ a person authorized by a judge of a district
 19 court of this state to carry a weapon; or

20 ~~(7)(8)~~ the carrying of arms on one's own premises or
 21 at one's home or place of business."

22 **NEW SECTION. Section 3. Appropriation.** The following
 23 money is appropriated from the general fund to the
 24 department of institutions for firearms training, supplies,
 25 and equipment:

LC 0060/01

1		<u>FY 1990</u>	<u>FY 1991</u>
2	Training	\$14,586	\$1,729
3	Supplies	1,233	1,337
4	Equipment	11,600	0
5	Total	\$27,419	\$3,066
6	<u>NEW SECTION.</u> Section 4. Effective date. [This act] is		
7	effective July 1, 1989.		

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

HOUSE BILL NO. 401

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BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

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STATEMENT OF INTENT

A statement of intent is required for this bill because
it requires the department of institutions to adopt rules
establishing firearms training requirements and procedures
for authorizing the carrying of firearms by probation and
parole officers. The legislature intends that these rules
address but not be limited to the following:

- (1) required firearms training courses and
certification procedures;
- (2) types of firearms to be carried by officers;
- (3) procedures for requesting the carrying of a
firearm for performing a specific duty;

(4) circumstances under which the carrying of a
firearm is permitted or prohibited;

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department; and

(6) procedures for monitoring and documenting the use
of a firearm in performance of an official duty.

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department shall adopt rules establishing firearms training
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firearms.

(3) adopt rules for the conduct of persons placed
on parole or probation, except that the department may not
make any rule conflicting with conditions of parole imposed
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"45-8-317. Exceptions. Section 45-8-316 does not apply

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State of Montana
Office of the Governor
Helena, Montana 59620
406-444-3111

STAN STEPHENS
GOVERNOR

April 11, 1989

The Honorable John Vincent
Speaker of the House
State Capitol
Helena, MT 59620

The Honorable Jack Galt
President of the Senate
State Capitol
Helena, MT 59620

Dear Representative Vincent and Senator Galt:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby make the following line item veto to House Bill 401, "AN ACT AUTHORIZING THE DEPARTMENT OF INSTITUTIONS TO PERMIT PROBATION AND PAROLE OFFICERS TO CARRY FIREARMS; REQUIRING THE DEPARTMENT TO ADOPT RULES CONCERNING CARRYING OF FIREARMS; PERMITTING A PROBATION AND PAROLE OFFICER TO CARRY A CONCEALED WEAPON; APPROPRIATING MONEY FOR TRAINING, SUPPLIES, AND EQUIPMENT; AMENDING SECTIONS 45-8-317 AND 46-23-1002, MCA; AND PROVIDING AN EFFECTIVE DATE."

I specifically disapprove and object to several line item appropriation amounts contained in Section 3, Appropriation, found on page 3 of the Enrolled Bill presented to the Governor. These appropriation items are as follows.

1. I line item veto money appropriated to:

Training	FY 1990	FY 1991
	\$14,586	\$ 1,729

My line item veto reduces the amounts as follows:

FY 1990	FY 1991
-0-	-0-

2. I line item veto money appropriated to:

Supplies	FY 1990	FY 1991
	\$ 1,233	\$ 1,337

The Honorable John Vincent
The Honorable Jack Galt
April 11, 1989
Page Two

My line item veto reduces the amounts as follows:

FY 1990	FY 1991
-0-	-0-

3. I line item veto money appropriated to:

Equipment	FY 1990
	\$11,600

My line item veto reduces the amounts as follows:

FY 1990
-0-

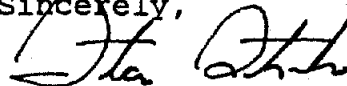
TOTAL APPROPRIATION	FY 1990	FY 1991
	-0-	-0-

Pursuant to Section 5-4-309, MCA, and Article VI, Section 10, Montana Constitution, I sign House Bill 401 and append to House Bill 401 at the time of my signing this statement of the appropriation items to which I object and my objections thereto.

The bill authorizing the Department of Institutions to permit parole and probation officers to carry firearms within certain restrictions is acceptable. I will direct the Department of Institutions to examine existing resources within its approved budget to appropriately carry out any necessary training.

I exercise this line item veto with the realization that the legislature has been unable to cut spending. Where it is within my powers, through the use of a line item veto, I believe that further spending limitations must occur so as to bring this budget in line with what our state can presently afford.

Sincerely,



STAN STEPHENS
Governor