

HOUSE BILL NO. 134

INTRODUCED BY PETERSON, FISHER, ORR,  
WAGNER, KASTEN, R. JOHNSON  
BY REQUEST OF THE BOARD OF CRIME CONTROL

IN THE HOUSE

JANUARY 11, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
JANUARY 20, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
JANUARY 21, 1993	PRINTING REPORT.
JANUARY 22, 1993	SECOND READING, DO PASS.
JANUARY 23, 1993	ENGROSSING REPORT.
JANUARY 25, 1993	THIRD READING, PASSED. AYES, 95; NOES, 0.
	TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 27, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
MARCH 8, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 9, 1993	ON MOTION, CONSIDERATION PASSED FOR THE DAY.
MARCH 10, 1993	ON MOTION, CONSIDERATION PASSED FOR THE DAY.
MARCH 11, 1993	SECOND READING, CONCURRED IN AS AMENDED.
MARCH 12, 1993	THIRD READING, CONCURRED IN. AYES, 48; NOES, 0.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 31, 1993

SECOND READING, AMENDMENTS  
CONCURRED IN.

APRIL 2, 1993

THIRD READING, AMENDMENTS  
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 134  
2 INTRODUCED BY Peterson Inter On  
3 By Request of the Board of Crime Control  
4 BY REQUEST OF THE BOARD OF CRIME CONTROL

5 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE BOARD OF  
6 CRIME CONTROL TO SUSPEND OR REVOKE THE CERTIFICATION OF  
7 PEACE OFFICERS, PUBLIC SAFETY COMMUNICATIONS OFFICERS,  
8 DETENTION OFFICERS, AND DETENTION CENTER ADMINISTRATORS;  
9 PROVIDING PENALTIES FOR VIOLATIONS OF SUSPENSION OR  
10 REVOCATION; AND AMENDING SECTIONS 7-31-203, 7-32-303, AND  
11 44-4-301, MCA."

12  
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 **Section 1.** Section 7-31-203, MCA, is amended to read:

15 "7-31-203. Certification of public safety  
16 communications officers -- suspension or revocation --  
17 penalty -- notification requirements. (1) A local government  
18 may require that a person appointed to receive requests for  
19 emergency services, as defined in 10-4-101, and to dispatch  
20 the appropriate emergency service units be certified by the  
21 board as a public safety communications officer.

22 (2) The board shall determine the certification  
23 standards for public safety communications officers as  
24 provided in 7-31-202.

25 (3) A public safety communications officer who has

1 successfully met the certification standards set by the  
2 board and the qualification requirements in 7-31-202 and who  
3 has completed a 6-month probationary term of employment  
4 must, upon application to the board, be issued a basic  
5 public safety communications officer certificate.

6 (4) It is unlawful for a person whose certification as  
7 a public safety communications officer has been suspended or  
8 revoked by the board to act as a public safety  
9 communications officer. A person convicted of violating this  
10 subsection is guilty of a misdemeanor, punishable by a fine  
11 of not less than \$25.

12 ~~(4)~~(5) Within 10 days of the appointment, termination,  
13 resignation, or death of any public safety communications  
14 officer, written notice must be given to the board by the  
15 employing authority."

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

17 "7-32-303. Peace officer employment, education, and  
18 certification standards -- suspension or revocation --  
19 penalty. (1) For purposes of this section, unless the  
20 context clearly indicates otherwise, "peace officer" means a  
21 deputy sheriff, undersheriff, police officer, highway patrol  
22 officer, fish and game warden, park ranger, campus security  
23 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:

- 5 (a) be a citizen of the United States;  
6 (b) be at least 18 years of age;  
7 (c) be fingerprinted and a search made of the local,  
8 state, and national fingerprint files to disclose any  
9 criminal record;  
10 (d) not have been convicted of a crime for which he the  
11 person could have been imprisoned in a federal or state  
12 penitentiary;  
13 (e) be of good moral character, as determined by a  
14 thorough background investigation;  
15 (f) be a high school graduate or have passed the  
16 general education development test and have been issued an  
17 equivalency certificate by the superintendent of public  
18 instruction or by an appropriate issuing agency of another  
19 state or of the federal government;  
20 (g) be examined by a licensed physician, who is not the  
21 applicant's personal physician, appointed by the employing  
22 authority to determine if the applicant is free from any  
23 mental or physical condition that might adversely affect  
24 performance by the applicant of the duties of a peace  
25 officer;

1 (h) successfully complete an oral examination conducted  
2 by the appointing authority or its designated representative  
3 to demonstrate the possession of communication skills,  
4 temperament, motivation, and other characteristics necessary  
5 to the accomplishment of the duties and functions of a peace  
6 officer; and

7 (i) possess or be eligible for a valid Montana driver's  
8 license.

9 (3) At the time of appointment a peace officer must  
10 shall take a formal oath of office.

11 (4) Within 10 days of the appointment, termination,  
12 resignation, or death of any peace officer, written notice  
13 thereof must be given to the board of crime control by the  
14 employing authority.

15 (5) (a) Except as provided in subsections (5)(b) and  
16 (5)(c) ~~of--this-subsection~~, it is the duty of an appointing  
17 authority to cause each peace officer appointed under its  
18 authority to attend and successfully complete, within 1 year  
19 of the initial appointment, an appropriate peace officer  
20 basic course certified by the board of crime control. Any  
21 peace officer appointed after September 30, 1983, who fails  
22 to meet the minimum requirements as set forth in subsection  
23 (2) or who fails to complete the basic course as required by  
24 this subsection (a) forfeits the position, authority, and  
25 arrest powers accorded a peace officer in this state.

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

12 (c) A peace officer under the provisions of subsection  
13 (5)(b) or a peace officer who has completed a basic peace  
14 officer's course in another state and whose last date of  
15 employment as a peace officer was less than 60 months prior  
16 to the date of his present appointment as a peace officer  
17 may, within 1 year of his the peace officer's present  
18 employment or initial appointment as a peace officer within  
19 this state, satisfy his the basic educational requirements  
20 by successfully passing a basic equivalency test  
21 administered by the Montana law enforcement academy and  
22 successfully completing a legal training course conducted by  
23 the academy. If the peace officer fails the basic  
24 equivalency test, he must the peace officer shall complete  
25 the basic course within 120 days of the date of the test.

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

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

20 (8) It is unlawful for a person whose certification as  
21 a peace officer, detention officer, or detention center  
22 administrator has been revoked or suspended by the board of  
23 crime control to act as a peace officer, detention officer,  
24 or detention center administrator. A person convicted of  
25 violating this subsection is guilty of a misdemeanor,

1 punishable by a fine of not less than \$25."

2 **Section 3.** Section 44-4-301, MCA, is amended to read:

3 **"44-4-301. Functions.** (1) As designated by the governor  
4 as the state planning agency under the Omnibus Crime Control  
5 and Safe Streets Act of 1968, as amended, the board of crime  
6 control shall perform the functions assigned to it under  
7 that act. The board shall also provide to criminal justice  
8 agencies technical assistance and supportive services that  
9 are approved by the board or assigned by the governor or  
10 legislature.

11 (2) The board shall have the authority to:

12 (a) establish minimum qualifying standards for  
13 employment of peace officers, as defined in 7-32-303,  
14 detention officers, detention center administrators, and  
15 public safety communications officers; and

16 (b) develop procedures for revoking or suspending the  
17 certification of peace officers, as defined in 7-32-303,  
18 detention officers, detention center administrators, and  
19 public safety communications officers.

20 (3) The board shall have the authority to require basic  
21 training for officers, establish minimum standards for  
22 equipment and procedures and for advanced inservice training  
23 for officers, establish minimum standards for the  
24 certification of public safety communications officers, and  
25 establish minimum standards for law enforcement and

1 detention officer training schools administered by the state  
2 or any of its political subdivisions or agencies, to ~~insure~~  
3 ensure the public health, welfare, and safety.

4 (4) The board may waive the minimum qualification  
5 standard provided in subsection (2) for good cause shown.

6 (5) The board shall establish minimum standards for  
7 training of probation and parole officers, pursuant to  
8 46-23-1003."

-End-

APPROVED BY COMMITTEE  
ON STATE ADMINISTRATION

1 *House* BILL NO. *134*  
2 INTRODUCED BY *Peter On*  
3 *By Request of the Board of Crime Control*  
4 BY REQUEST OF THE BOARD OF CRIME CONTROL

5 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE BOARD OF  
6 CRIME CONTROL TO SUSPEND OR REVOKE THE CERTIFICATION OF  
7 PEACE OFFICERS, PUBLIC SAFETY COMMUNICATIONS OFFICERS,  
8 DETENTION OFFICERS, AND DETENTION CENTER ADMINISTRATORS;  
9 PROVIDING PENALTIES FOR VIOLATIONS OF SUSPENSION OR  
10 REVOCATION; AND AMENDING SECTIONS 7-31-203, 7-32-303, AND  
11 44-4-301, MCA."

12  
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 **Section 1.** Section 7-31-203, MCA, is amended to read:

15 "7-31-203. Certification of public safety  
16 communications officers -- suspension or revocation --  
17 penalty -- notification requirements. (1) A local government  
18 may require that a person appointed to receive requests for  
19 emergency services, as defined in 10-4-101, and to dispatch  
20 the appropriate emergency service units be certified by the  
21 board as a public safety communications officer.

22 (2) The board shall determine the certification  
23 standards for public safety communications officers as  
24 provided in 7-31-202.

25 (3) A public safety communications officer who has

1 successfully met the certification standards set by the  
2 board and the qualification requirements in 7-31-202 and who  
3 has completed a 6-month probationary term of employment  
4 must, upon application to the board, be issued a basic  
5 public safety communications officer certificate.

6 (4) It is unlawful for a person whose certification as  
7 a public safety communications officer has been suspended or  
8 revoked by the board to act as a public safety  
9 communications officer. A person convicted of violating this  
10 subsection is guilty of a misdemeanor, punishable by a fine  
11 of not less than \$25.

12 ~~(4)~~(5) Within 10 days of the appointment, termination,  
13 resignation, or death of any public safety communications  
14 officer, written notice must be given to the board by the  
15 employing authority."

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

17 "7-32-303. Peace officer employment, education, and  
18 certification standards -- suspension or revocation --  
19 penalty. (1) For purposes of this section, unless the  
20 context clearly indicates otherwise, "peace officer" means a  
21 deputy sheriff, undersheriff, police officer, highway patrol  
22 officer, fish and game warden, park ranger, campus security  
23 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:

5 (a) be a citizen of the United States;

6 (b) be at least 18 years of age;

7 (c) be fingerprinted and a search made of the local,  
8 state, and national fingerprint files to disclose any  
9 criminal record;

10 (d) not have been convicted of a crime for which he the  
11 person could have been imprisoned in a federal or state  
12 penitentiary;

13 (e) be of good moral character, as determined by a  
14 thorough background investigation;

15 (f) be a high school graduate or have passed the  
16 general education development test and have been issued an  
17 equivalency certificate by the superintendent of public  
18 instruction or by an appropriate issuing agency of another  
19 state or of the federal government;

20 (g) be examined by a licensed physician, who is not the  
21 applicant's personal physician, appointed by the employing  
22 authority to determine if the applicant is free from any  
23 mental or physical condition that might adversely affect  
24 performance by the applicant of the duties of a peace  
25 officer;

1 (h) successfully complete an oral examination conducted  
2 by the appointing authority or its designated representative  
3 to demonstrate the possession of communication skills,  
4 temperament, motivation, and other characteristics necessary  
5 to the accomplishment of the duties and functions of a peace  
6 officer; and

7 (i) possess or be eligible for a valid Montana driver's  
8 license.

9 (3) At the time of appointment a peace officer must  
10 shall take a formal oath of office.

11 (4) Within 10 days of the appointment, termination,  
12 resignation, or death of any peace officer, written notice  
13 thereof must be given to the board of crime control by the  
14 employing authority.

15 (5) (a) Except as provided in subsections (5)(b) and  
16 (5)(c) ~~of--this-subsection~~, it is the duty of an appointing  
17 authority to cause each peace officer appointed under its  
18 authority to attend and successfully complete, within 1 year  
19 of the initial appointment, an appropriate peace officer  
20 basic course certified by the board of crime control. Any  
21 peace officer appointed after September 30, 1983, who fails  
22 to meet the minimum requirements as set forth in subsection  
23 (2) or who fails to complete the basic course as required by  
24 this subsection (a) forfeits the position, authority, and  
25 arrest powers accorded a peace officer in this state.



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

12 (c) A peace officer under the provisions of subsection  
 13 (5)(b) or a peace officer who has completed a basic peace  
 14 officer's course in another state and whose last date of  
 15 employment as a peace officer was less than 60 months prior  
 16 to the date of his present appointment as a peace officer  
 17 may, within 1 year of his the peace officer's present  
 18 employment or initial appointment as a peace officer within  
 19 this state, satisfy his the basic educational requirements  
 20 by successfully passing a basic equivalency test  
 21 administered by the Montana law enforcement academy and  
 22 successfully completing a legal training course conducted by  
 23 the academy. If the peace officer fails the basic  
 24 equivalency test, he ~~must~~ the peace officer shall complete  
 25 the basic course within 120 days of the date of the test.

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

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

20 (8) It is unlawful for a person whose certification as  
 21 a peace officer, detention officer, or detention center  
 22 administrator has been revoked or suspended by the board of  
 23 crime control to act as a peace officer, detention officer,  
 24 or detention center administrator. A person convicted of  
 25 violating this subsection is guilty of a misdemeanor,

1 punishable by a fine of not less than \$25."

2 **Section 3.** Section 44-4-301, MCA, is amended to read:

3 "44-4-301. Functions. (1) As designated by the governor  
4 as the state planning agency under the Omnibus Crime Control  
5 and Safe Streets Act of 1968, as amended, the board of crime  
6 control shall perform the functions assigned to it under  
7 that act. The board shall also provide to criminal justice  
8 agencies technical assistance and supportive services that  
9 are approved by the board or assigned by the governor or  
10 legislature.

11 (2) The board shall have the authority to:

12 (a) establish minimum qualifying standards for  
13 employment of peace officers, as defined in 7-32-303,  
14 detention officers, detention center administrators, and  
15 public safety communications officers; and

16 (b) develop procedures for revoking or suspending the  
17 certification of peace officers, as defined in 7-32-303,  
18 detention officers, detention center administrators, and  
19 public safety communications officers.

20 (3) The board shall have the authority to require basic  
21 training for officers, establish minimum standards for  
22 equipment and procedures and for advanced inservice training  
23 for officers, establish minimum standards for the  
24 certification of public safety communications officers, and  
25 establish minimum standards for law enforcement and

1 detention officer training schools administered by the state  
2 or any of its political subdivisions or agencies, to ~~insure~~  
3 ensure the public health, welfare, and safety.

4 (4) The board may waive the minimum qualification  
5 standard provided in subsection (2) for good cause shown.

6 (5) The board shall establish minimum standards for  
7 training of probation and parole officers, pursuant to  
8 46-23-1003."

-End-

1 House BILL NO. 134  
 2 INTRODUCED BY Peterson John On  
 3 BY REQUEST OF THE BOARD OF CRIME CONTROL

4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE BOARD OF  
 6 CRIME CONTROL TO SUSPEND OR REVOKE THE CERTIFICATION OF  
 7 PEACE OFFICERS, PUBLIC SAFETY COMMUNICATIONS OFFICERS,  
 8 DETENTION OFFICERS, AND DETENTION CENTER ADMINISTRATORS;  
 9 PROVIDING PENALTIES FOR VIOLATIONS OF SUSPENSION OR  
 10 REVOCATION; AND AMENDING SECTIONS 7-31-203, 7-32-303, AND  
 11 44-4-301, MCA."

12  
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 **Section 1.** Section 7-31-203, MCA, is amended to read:

15 "7-31-203. Certification of public safety  
 16 communications officers -- suspension or revocation --  
 17 penalty -- notification requirements. (1) A local government  
 18 may require that a person appointed to receive requests for  
 19 emergency services, as defined in 10-4-101, and to dispatch  
 20 the appropriate emergency service units be certified by the  
 21 board as a public safety communications officer.

22 (2) The board shall determine the certification  
 23 standards for public safety communications officers as  
 24 provided in 7-31-202.

25 (3) A public safety communications officer who has

1 successfully met the certification standards set by the  
 2 board and the qualification requirements in 7-31-202 and who  
 3 has completed a 6-month probationary term of employment  
 4 must, upon application to the board, be issued a basic  
 5 public safety communications officer certificate.

6 (4) It is unlawful for a person whose certification as  
 7 a public safety communications officer has been suspended or  
 8 revoked by the board to act as a public safety  
 9 communications officer. A person convicted of violating this  
 10 subsection is guilty of a misdemeanor, punishable by a fine  
 11 of not less than \$25.

12 (4)(5) Within 10 days of the appointment, termination,  
 13 resignation, or death of any public safety communications  
 14 officer, written notice must be given to the board by the  
 15 employing authority."

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

17 "7-32-303. Peace officer employment, education, and  
 18 certification standards -- suspension or revocation --  
 19 penalty. (1) For purposes of this section, unless the  
 20 context clearly indicates otherwise, "peace officer" means a  
 21 deputy sheriff, undersheriff, police officer, highway patrol  
 22 officer, fish and game warden, park ranger, campus security  
 23 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:

5 (a) be a citizen of the United States;

6 (b) be at least 18 years of age;

7 (c) be fingerprinted and a search made of the local,  
8 state, and national fingerprint files to disclose any  
9 criminal record;

10 (d) not have been convicted of a crime for which he the  
11 person could have been imprisoned in a federal or state  
12 penitentiary;

13 (e) be of good moral character, as determined by a  
14 thorough background investigation;

15 (f) be a high school graduate or have passed the  
16 general education development test and have been issued an  
17 equivalency certificate by the superintendent of public  
18 instruction or by an appropriate issuing agency of another  
19 state or of the federal government;

20 (g) be examined by a licensed physician, who is not the  
21 applicant's personal physician, appointed by the employing  
22 authority to determine if the applicant is free from any  
23 mental or physical condition that might adversely affect  
24 performance by the applicant of the duties of a peace  
25 officer;

1 (h) successfully complete an oral examination conducted  
2 by the appointing authority or its designated representative  
3 to demonstrate the possession of communication skills,  
4 temperament, motivation, and other characteristics necessary  
5 to the accomplishment of the duties and functions of a peace  
6 officer; and

7 (i) possess or be eligible for a valid Montana driver's  
8 license.

9 (3) At the time of appointment a peace officer must  
10 shall take a formal oath of office.

11 (4) Within 10 days of the appointment, termination,  
12 resignation, or death of any peace officer, written notice  
13 thereof must be given to the board of crime control by the  
14 employing authority.

15 (5) (a) Except as provided in subsections (5)(b) and  
16 (5)(c) ~~of--this-subsection~~, it is the duty of an appointing  
17 authority to cause each peace officer appointed under its  
18 authority to attend and successfully complete, within 1 year  
19 of the initial appointment, an appropriate peace officer  
20 basic course certified by the board of crime control. Any  
21 peace officer appointed after September 30, 1983, who fails  
22 to meet the minimum requirements as set forth in subsection  
23 (2) or who fails to complete the basic course as required by  
24 this subsection (a) forfeits the position, authority, and  
25 arrest powers accorded a peace officer in this state.

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

12 (c) A peace officer under the provisions of subsection  
 13 (5)(b) or a peace officer who has completed a basic peace  
 14 officer's course in another state and whose last date of  
 15 employment as a peace officer was less than 60 months prior  
 16 to the date of his present appointment as a peace officer  
 17 may, within 1 year of his the peace officer's present  
 18 employment or initial appointment as a peace officer within  
 19 this state, satisfy his the basic educational requirements  
 20 by successfully passing a basic equivalency test  
 21 administered by the Montana law enforcement academy and  
 22 successfully completing a legal training course conducted by  
 23 the academy. If the peace officer fails the basic  
 24 equivalency test, he must the peace officer shall complete  
 25 the basic course within 120 days of the date of the test.

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

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

20 (8) It is unlawful for a person whose certification as  
 21 a peace officer, detention officer, or detention center  
 22 administrator has been revoked or suspended by the board of  
 23 crime control to act as a peace officer, detention officer,  
 24 or detention center administrator. A person convicted of  
 25 violating this subsection is guilty of a misdemeanor,

1 punishable by a fine of not less than \$25."

2 **Section 3.** Section 44-4-301, MCA, is amended to read:

3 "44-4-301. **Functions.** (1) As designated by the governor  
4 as the state planning agency under the Omnibus Crime Control  
5 and Safe Streets Act of 1968, as amended, the board of crime  
6 control shall perform the functions assigned to it under  
7 that act. The board shall also provide to criminal justice  
8 agencies technical assistance and supportive services that  
9 are approved by the board or assigned by the governor or  
10 legislature.

11 (2) The board shall have the authority to:  
12 (a) establish minimum qualifying standards for  
13 employment of peace officers, as defined in 7-32-303,  
14 detention officers, detention center administrators, and  
15 public safety communications officers; and

16 (b) develop procedures for revoking or suspending the  
17 certification of peace officers, as defined in 7-32-303,  
18 detention officers, detention center administrators, and  
19 public safety communications officers.

20 (3) The board shall have the authority to require basic  
21 training for officers, establish minimum standards for  
22 equipment and procedures and for advanced inservice training  
23 for officers, establish minimum standards for the  
24 certification of public safety communications officers, and  
25 establish minimum standards for law enforcement and

1 detention officer training schools administered by the state  
2 or any of its political subdivisions or agencies; to insure  
3 ensure the public health, welfare, and safety.

4 (4) The board may waive the minimum qualification  
5 standard provided in subsection (2) for good cause shown.

6 (5) The board shall establish minimum standards for  
7 training of probation and parole officers, pursuant to  
8 46-23-1003."

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 2  
March 8, 1993

Page 2 of 2  
March 8, 1993

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration House Bill No. 134 (first reading copy -- blue), respectfully report that House Bill No. 134 be amended as follows and as so amended be concurred in.

Signed: Wm Yellowtail  
Senator William "Bill" Yellowtail, Chair

8. Page 7, line 1.

Following: "by"

Insert: "a term of imprisonment not to exceed 6 months in the county jail or by"

Following: "fine"

Strike: "of not less than \$25"

Insert: "not to exceed \$500, or both"

-END-

That such amendments read:

1. Title, line 9.

Following: line 8

Insert: "REVISING THE DEFINITION OF PEACE OFFICER;"

2. Page 2, line 10.

Following: "by"

Insert: "a term of imprisonment not to exceed 6 months in the county jail or by"

3. Page 2, line 11.

Strike: "of not less than \$25"

Insert: "not to exceed \$500, or both"

4. Page 2, line 23.

Following: "officer,"

Insert: "motor carrier services division officer appointed pursuant to 61-12-201,"

5. Page 4, line 15.

Following: "(b)"

Insert: ","

Strike: "and"

6. Page 4, line 16.

Following: "(c)"

Insert: ", or (5)(d)"

7. Page 6, line 1.

Following: page 5, line 25

Insert: "(d) A peace officer appointed pursuant to 61-12-201 shall within 1 year of initial appointment attend and successfully complete an appropriate motor carrier services division officer basic course certified by the board of crime control."

Amd. Coord.  
Sec. of Senate

Sen. Halligan  
Senator Carrying Bill

521239SC.San

SENATE

HB 134  
521239SC.San

## 1 HOUSE BILL NO. 134

2 INTRODUCED BY PETERSON, FISHER, ORR,

3 WAGNER, KASTEN, R. JOHNSON

4 BY REQUEST OF THE BOARD OF CRIME CONTROL

5  
6 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE BOARD OF  
7 CRIME CONTROL TO SUSPEND OR REVOKE THE CERTIFICATION OF  
8 PEACE OFFICERS, PUBLIC SAFETY COMMUNICATIONS OFFICERS,  
9 DETENTION OFFICERS, AND DETENTION CENTER ADMINISTRATORS;  
10 ~~REVISING--THE--DEFINITION--OF--PEACE--OFFICER;~~ PROVIDING  
11 PENALTIES FOR VIOLATIONS OF SUSPENSION OR REVOCATION; AND  
12 AMENDING SECTIONS 7-31-203, 7-32-303, AND 44-4-301, MCA."

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

15 Section 1. Section 7-31-203, MCA, is amended to read:

16 "7-31-203. Certification of public safety  
17 communications officers -- suspension or revocation --  
18 penalty -- notification requirements. (1) A local government  
19 may require that a person appointed to receive requests for  
20 emergency services, as defined in 10-4-101, and to dispatch  
21 the appropriate emergency service units be certified by the  
22 board as a public safety communications officer.

23 (2) The board shall determine the certification  
24 standards for public safety communications officers as  
25 provided in 7-31-202.

1 (3) A public safety communications officer who has  
2 successfully met the certification standards set by the  
3 board and the qualification requirements in 7-31-202 and who  
4 has completed a 6-month probationary term of employment  
5 must, upon application to the board, be issued a basic  
6 public safety communications officer certificate.

7 (4) It is unlawful for a person whose certification as  
8 a public safety communications officer has been suspended or  
9 revoked by the board to act as a public safety  
10 communications officer. A person convicted of violating this  
11 subsection is guilty of a misdemeanor, punishable by A TERM  
12 OF IMPRISONMENT NOT TO EXCEED 6 MONTHS IN THE COUNTY JAIL OR  
13 BY a fine of-not-less-than-\$25 NOT TO EXCEED \$500, OR BOTH.

14 (4)(5) Within 10 days of the appointment, termination,  
15 resignation, or death of any public safety communications  
16 officer, written notice must be given to the board by the  
17 employing authority."

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

19 "7-32-303. Peace officer employment, education, and  
20 certification standards -- suspension or revocation --  
21 penalty. (1) For purposes of this section, unless the  
22 context clearly indicates otherwise, "peace officer" means a  
23 deputy sheriff, undersheriff, police officer, highway patrol  
24 officer, fish and game warden, park ranger, campus security  
25 officer, MOTOR--CARRIER-SERVICES-DIVISION-OFFICER-APPOINTED



1 ~~PURSUANT TO 61-12-2017~~ or airport police officer.

2 (2) No sheriff of a county, mayor of a city, board,  
3 commission, or other person authorized by law to appoint  
4 peace officers in this state shall appoint any person as a  
5 peace officer who does not meet the following qualifications  
6 plus any additional qualifying standards for employment  
7 promulgated by the board of crime control:

8 (a) be a citizen of the United States;

9 (b) be at least 18 years of age;

10 (c) be fingerprinted and a search made of the local,  
11 state, and national fingerprint files to disclose any  
12 criminal record;

13 (d) not have been convicted of a crime for which he the  
14 person could have been imprisoned in a federal or state  
15 penitentiary;

16 (e) be of good moral character, as determined by a  
17 thorough background investigation;

18 (f) be a high school graduate or have passed the  
19 general education development test and have been issued an  
20 equivalency certificate by the superintendent of public  
21 instruction or by an appropriate issuing agency of another  
22 state or of the federal government;

23 (g) be examined by a licensed physician, who is not the  
24 applicant's personal physician, appointed by the employing  
25 authority to determine if the applicant is free from any

1 mental or physical condition that might adversely affect  
2 performance by the applicant of the duties of a peace  
3 officer;

4 (h) successfully complete an oral examination conducted  
5 by the appointing authority or its designated representative  
6 to demonstrate the possession of communication skills,  
7 temperament, motivation, and other characteristics necessary  
8 to the accomplishment of the duties and functions of a peace  
9 officer; and

10 (i) possess or be eligible for a valid Montana driver's  
11 license.

12 (3) At the time of appointment a peace officer must  
13 shall take a formal oath of office.

14 (4) Within 10 days of the appointment, termination,  
15 resignation, or death of any peace officer, written notice  
16 thereof must be given to the board of crime control by the  
17 employing authority.

18 (5) (a) Except as provided in subsections (5)(b) and  
19 AND (5)(c) 7-6R-(5)(B) of this subsection, it is the duty of  
20 an appointing authority to cause each peace officer  
21 appointed under its authority to attend and successfully  
22 complete, within 1 year of the initial appointment, an  
23 appropriate peace officer basic course certified by the  
24 board of crime control. Any peace officer appointed after  
25 September 30, 1983, who fails to meet the minimum

1 requirements as set forth in subsection (2) or who fails to  
2 complete the basic course as required by this subsection (a)  
3 forfeits the position, authority, and arrest powers accorded  
4 a peace officer in this state.

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

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

1 successfully completing a legal training course conducted by  
2 the academy. If the peace officer fails the basic  
3 equivalency test, ~~he must~~ the peace officer shall complete  
4 the basic course within 120 days of the date of the test.

5 ~~(D) -- A PEACE OFFICER -- APPOINTED -- PURSUANT -- TO -- 61-12-201~~  
6 ~~SHALL -- WITHIN -- 1 -- YEAR -- OF -- INITIAL -- APPOINTMENT -- ATTEND AND~~  
7 ~~SUCCESSFULLY COMPLETE AN APPROPRIATE MOTOR CARRIER SERVICES~~  
8 ~~DIVISION -- OFFICER -- BASIC -- COURSE -- CERTIFIED -- BY -- THE -- BOARD -- OF~~  
9 ~~CRIME CONTROL.~~

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

22 (7) A peace officer who has successfully met the  
23 employment standards and qualifications and the educational  
24 requirements of this section and who has completed a 1-year  
25 probationary term of employment ~~shall~~ must, upon application

to the board of crime control, be issued a basic certificate by the board, certifying that the peace officer has met all the basic qualifying peace officer standards of this state.

(8) It is unlawful for a person whose certification as a peace officer, detention officer, or detention center administrator has been revoked or suspended by the board of crime control to act as a peace officer, detention officer, or detention center administrator. A person convicted of violating this subsection is guilty of a misdemeanor, punishable by A TERM OF IMPRISONMENT NOT TO EXCEED 6 MONTHS IN THE COUNTY JAIL OR BY a fine of-not-less-than-\$25 NOT TO EXCEED \$500, OR BOTH.

**Section 3.** Section 44-4-301, MCA, is amended to read:

"44-4-301. **Functions.** (1) 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 also provide to criminal justice agencies technical assistance and supportive services that are approved by the board or assigned by the governor or legislature.

(2) The board shall have the authority to:

(a) establish minimum qualifying standards for employment of peace officers, as defined in 7-32-303, detention officers, detention center administrators, and

public safety communications officers; and

(b) develop procedures for revoking or suspending the certification of peace officers, as defined in 7-32-303, detention officers, detention center administrators, and public safety communications officers.

(3) The board shall have the authority to require basic training for officers, establish minimum standards for equipment and procedures and for advanced inservice training for officers, establish minimum standards for the certification of public safety communications officers, and establish minimum standards for law enforcement and detention officer training schools administered by the state or any of its political subdivisions or agencies, to ~~insure~~ ensure the public health, welfare, and safety.

(4) The board may waive the minimum qualification standard provided in subsection (2) for good cause shown.

(5) The board shall establish minimum standards for training of probation and parole officers, pursuant to 46-23-1003."

-End-