

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATING TO VOLUNTEER
5 SECURITY TEAMS; AND PROVIDING DEFINITIONS."

6
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

8
9 NEW SECTION. **Section 1. Definitions.** As used in [sections 1 and 2], unless the context clearly
10 indicates otherwise, the following definitions apply:

11 (1) "Concealed weapon" has the same meaning as provided in 45-8-315.

12 (2) "Declared emergency" means a situation or circumstance declared by appointed security
13 personnel to be unsafe endangerment to organization members or event attendees. The term includes a violent
14 critical incident, an active shooter or active killer, or the need for physical removal of a person from the
15 premises who is interrupting the peaceful process of the event.

16 (3) "Event" includes but is not limited to a religious service, a festival, a recreation or sporting
17 event, a community market, or other event hosted by an organization.

18 (4) "Organization" means an entity or group of persons formed with the intent of reaching or
19 hosting members of the general public for a common purpose. The term may include an unincorporated group
20 of persons, an association, a nonprofit corporation that is not a government entity, or a for-profit corporation.

21 (5) "Public event" means a gathering that a member of the public may attend, including events that
22 charge an entrance fee.

23 (6) "Security person" means a person who provides safety, security, or protection for an
24 organization of which the person is a member to benefit persons in attendance at an event held at or sponsored
25 by the organization.

26 (7) "Volunteer security team" means a group of security persons who perform interdependent
27 tasks to provide security for an organization without any express or implied promise of remuneration.
28

1 NEW SECTION. Section 2. Volunteer security teams -- eligibility -- exemption from civil

2 **damages.** (1) (a) An organization may have a volunteer security team.

3 (b) The organization must have an emergency action plan and a security policy in place.

4 (2) The organization must have a volunteer security team application process in place, including
5 background checks and minimum training standards.

6 (3) To be eligible to serve on the volunteer security team, an individual:

7 (a) must be a citizen of the United States;

8 (b) must be at least 18 years of age;

9 (c) must have a permit to carry a concealed weapon pursuant to 45-8-312 or an active firearms
10 certification pursuant to 45-8-338;

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

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

14 (f) must be a high school graduate or have been issued a high school equivalency diploma by the
15 superintendent of public instruction or by an appropriate issuing agency of another state or of the federal
16 government;

17 (g) must possess or be eligible for a valid Montana driver's license;

18 (h) must be free of any mental condition that might adversely affect performance of the duties of a
19 security person;

20 (i) must be free of any physical condition that might adversely affect performance of the duties of
21 a security person; and

22 (j) must have successfully completed an oral examination conducted by the organization or its
23 designated representative to demonstrate the possession of communication skills, temperament, motivation,
24 and other characteristics necessary to the accomplishment of the duties and functions of a security person.

25 (4) (a) The volunteer security team shall form an organizational structure, including a security
26 director and a team leader.

27 (b) If the volunteer security team is composed of only one person, the person shall act as the
28 security director and team leader to fulfill the organizational structure requirement.

1 (5) An armed member of a volunteer security team shall:

2 (a) hold an active permit to carry a concealed weapon as issued by a Montana county sheriff
3 pursuant to 45-8-312 or an active firearms certification pursuant to 45-8-338;

4 (b) complete annual public safety officer standards and training council-certified handgun
5 proficiency training in accordance with rules set by the department of justice; and

6 (c) attend mandatory quarterly training provided by a law enforcement agency as defined in 7-32-
7 201 or an individual or entity licensed to provide firearms training as provided in 37-60-101, except when the
8 volunteer security team is composed of only one person.

9 (6) The volunteer security team leader must be responsible for:

10 (a) coordinating training; and

11 (b) maintaining records of all training attended by each volunteer security team member.

12 (7) A person serving as a volunteer security team member at the request of an organization
13 hosting a public event is subject to the immunity of 27-1-722.

14 (8) A volunteer security team member is justified in the use of force or threat to use force against
15 another in defense of a person pursuant to 45-3-102 or in defense of an occupied structure pursuant to 45-3-
16 103.

17 (9) Civil immunity must be in effect only during a declared emergency on the organization's
18 property or at a sanctioned organization event in another location.

19 (10) Civil immunity may be extended to a volunteer security team member or an employee of the
20 organization acting on behalf of security, or at the direction of a volunteer security team member, during the
21 declared emergency.

22 (11) A volunteer security team member is exempt from all requirements under Title 37, chapter 60.

23

24 NEW SECTION. **Section 3. Codification instruction.** [Sections 1 and 2] are intended to be codified

25 as an integral part of Title 44, chapter 4, and the provisions of Title 44, chapter 4, apply to [sections 1 and 2].

26 - END -