

1 HOUSE BILL NO. 697
2 INTRODUCED BY B. MERCER

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO THE PUBLIC
5 SAFETY OFFICER STANDARDS AND TRAINING COUNCIL; ~~REVISING THE ADMINISTRATIVE~~
6 ~~ATTACHMENT OF THE PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL; REQUIRING~~
7 ~~THE BOARD OF CRIME CONTROL TO HEAR APPEALS FROM CERTAIN DECISIONS OF THE PUBLIC~~
8 ~~SAFETY OFFICER STANDARDS AND TRAINING COUNCIL; PROVIDING REPORTING REQUIREMENTS;~~
9 ~~AMENDING SECTIONS 2-15-2029, 44-4-403, AND 44-7-101, MCA; PROVIDING THAT THE STAFFING OF~~
10 ~~THE PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL WILL REMAIN IN A BUREAU~~
11 ~~UNDER THE DEPARTMENT OF JUSTICE; REPEALING SECTION 23, CHAPTER 456, LAWS OF 2019, AND~~
12 ~~SECTION 19, CHAPTER 566, LAWS OF 2021; REQUIRING AN INTERIM STUDY OF THE STAFFING,~~
13 ~~STRUCTURE, AND DUTIES OF THE PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL;~~
14 ~~PROVIDING THAT CERTAIN SPECIAL REVENUE ACCOUNT FUNDS ARE USED TO SUPPORT THE~~
15 ~~PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL; AMENDING SECTION 44-10-204,~~
16 ~~MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."~~

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

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20 NEW SECTION. **Section 1. Investigations report.** Starting October 1, 2023, and each quarter after,
21 the council shall provide a written report on pending investigations to the law and justice interim committee in
22 accordance with 5-11-210. The report must protect the privacy rights of the individuals involved and must
23 provide for each investigation:

- 24 (1) when it was opened;
- 25 (2) the process that remains to be completed; and
- 26 (3) the likely timing for resolution of the investigation.

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28 **Section 2.** Section 2-15-2029, MCA, is amended to read:

1 ~~"2-15-2029.—(Temporary) Montana public safety officer standards and training council—~~
 2 ~~rulemaking—report to law and justice interim committee.~~ (1) (a) There is a Montana public safety officer
 3 ~~standards and training council. The council is a quasi-judicial board, as provided for in 2-15-124, and is~~
 4 ~~allocated to the department of justice established in 2-15-2001, except as provided in subsections (1)(b) and~~
 5 ~~(1)(c) of this section.~~

6 ~~(b)——The council shall coordinate with the department of justice to hire the bureau chief of the public~~
 7 ~~safety officer standards and training bureau.~~

8 ~~(c)——The council maintains its independent and quasi-judicial authority and duties provided for in 44-~~
 9 ~~4-403.~~

10 ~~(2)——The council may adopt rules to implement the provisions of Title 44, chapter 4, part 4. Rules~~
 11 ~~must be adopted pursuant to the Montana Administrative Procedure Act.~~

12 ~~(3)——The department of justice and the public safety officer standards and training council shall~~
 13 ~~report to the law and justice interim committee. (Terminates June 30, 2023—sec. 19, Ch. 566, L. 2021.)~~

14 **2-15-2029.—(Effective July 1, 2023) Montana public safety officer standards and training council**
 15 **--administrative attachment -- rulemaking.** (1) (a) There is a Montana public safety officer standards and
 16 training council. The council is a quasi-judicial board, as provided for in 2-15-124, and is allocated to the
 17 department of justice, established in 2-15-2001 board of crime control, established in 2-15-2008, for
 18 administrative purposes only as provided in 2-15-121, except as provided in subsection (1)(b) of this section.

19 (b)——The council may hire its own personnel and independently administer the conduct of its
 20 business, and 2-15-121(2)(a), (2)(d), and (3)(a) do not apply.

21 (2)——The council may adopt rules to implement the provisions of Title 44, chapter 4, part 4. Rules
 22 must be adopted pursuant to the Montana Administrative Procedure Act."

23
 24 **NEW SECTION. Section 2. Interim study of POST council.** (1) The law and justice interim
 25 committee established in 5-5-226 shall study the public safety officer standards and training council established
 26 in 2-15-2029 during the 2023-2024 interim. The study shall:

27 (a) examine the legislative history of the council's structure, staffing, and duties;

28 (b) review the current structure, staffing, and duties of the council;

1 (c) compare the council's current structure and administrative attachment to similar entities in other
2 states; and

3 (d) provide recommendations to the 69th legislature for how the council should be structured and
4 staffed.

5 (2) The law and justice interim committee shall consult with council members, council staff, the
6 department of justice, local law enforcement agencies, and other stakeholders the committee considers
7 necessary.

8 (3) All aspects of the study must be concluded by September 15, 2024. Final results of the study
9 must be reported to the 69th legislature.

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11 **Section 3.** Section 44-4-403, MCA, is amended to read:

12 ~~"44-4-403. Council duties -- determinations -- appeals.~~ (1) The council shall:

13 (a) ~~establish basic and advanced qualification and training standards for employment;~~

14 (b) ~~conduct and approve training; and~~

15 (c) ~~provide for the certification or recertification of public safety officers and for the suspension or~~
16 ~~revocation of certification of public safety officers.~~

17 (2) ~~The council may waive or modify a qualification or training standard for good cause.~~

18 (3) ~~A person who has been denied certification or recertification or whose certification or~~
19 ~~recertification has been suspended or revoked is entitled to a contested case hearing before the council~~
20 ~~pursuant to Title 2, chapter 4, part 6, except that a decision by the council may be appealed to the board of~~
21 ~~crime control, as provided for in 44-7-101. A decision of the council board of crime control is a final agency~~
22 ~~decision subject to judicial review.~~

23 (4) ~~The council is designated as a criminal justice agency within the meaning of 44-5-103 for the~~
24 ~~purpose of obtaining and retaining confidential criminal justice information, as defined in 44-5-103, regarding~~
25 ~~public safety officers in order to provide for the certification or recertification of a public safety officer and for the~~
26 ~~suspension or revocation of certification of a public safety officer. The council may not record or retain any~~
27 ~~confidential criminal justice information without complying with the provisions of the Montana Criminal Justice~~
28 ~~Information Act of 1979 provided for in Title 44, chapter 5."~~

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Section 4. Section 44-7-101, MCA, is amended to read:

~~"44-7-101. **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 consider all appeals brought from decisions of the Montana public safety officer standards and training council pursuant to 44-4-403. A board member designated as a member of the Montana public safety officer standards and training council, as provided in 44-4-402, may not participate in appeals brought to the board from decisions of the council. The board shall promulgate rules governing the manner and method of appeals."~~

Section 3. Section 44-10-204, MCA, is amended to read:

"44-10-204. Department of justice account established. (1) There is an account in the state special revenue fund to be used by the department of justice on behalf of the Montana law enforcement academy, established in 44-10-103 and the Montana public safety officer standards and training council established in 2-15-2029.

(2) Money in the account created in subsection (1) must be appropriated by the legislature for the purposes provided in Title 44, chapter 10, part 2, including use as matching funds for grants to be sought under 44-10-202(1)(j)."

~~**NEW SECTION. Section 2. REPEALER. SECTION 23, CHAPTER 456, LAWS OF 2019, AND SECTION 19, CHAPTER 566, LAWS OF 2021, ARE REPEALED.**~~

NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 44, chapter 4, part 4, and the provisions of Title 44, chapter 4, part 4, apply to [section 1].

COORDINATION SECTION. Section 5. Coordination instruction. If both House Bill No. 916 and

1 [this act] are passed and approved and if House Bill No. 916 contains sections extending or repealing the
2 termination date in section 23, chapter 456, Laws of 2019, and section 19, chapter 566, Laws of 2021, then
3 those sections in House Bill No. 916 are void.
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5 NEW SECTION. Section 6. Effective date. [This act] is effective ~~July 1, 2023~~ ON PASSAGE AND
6 APPROVAL.
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8 NEW SECTION. Section 7. Termination. [Section 2] terminates December 31, 2024.
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