

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; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."~~

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

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

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(1) when it was opened;

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(2) the process that remains to be completed; and

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(3) the likely timing for resolution of the investigation.

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24 ~~Section 2. Section 2-15-2029, MCA, is amended to read:~~

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~~"2-15-2029. (Temporary) Montana public safety officer standards and training council--~~

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~~rulemaking-- report to law and justice interim committee. (1) (a) There is a Montana public safety officer~~

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~~standards and training council. The council is a quasi-judicial board, as provided for in 2-15-124, and is~~

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~~allocated to the department of justice established in 2-15-2001, except as provided in subsections (1)(b) and~~

1 ~~(1)(c) of this section.~~

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

4 ~~(c) — The council maintains its independent and quasi-judicial authority and duties provided for in 44-~~
5 ~~4-403.~~

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

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

10 ~~**2-15-2029. (Effective July 1, 2023) Montana public safety officer standards and training council**~~

11 ~~-- administrative attachment -- rulemaking. (1) (a) There is a Montana public safety officer standards and~~
12 ~~training council. The council is a quasi-judicial board, as provided for in 2-15-124, and is allocated to the~~
13 ~~department of justice, established in 2-15-2004 board of crime control, established in 2-15-2008, for~~
14 ~~administrative purposes only as provided in 2-15-121, except as provided in subsection (1)(b) of this section.~~

15 ~~(b) — The council may hire its own personnel and independently administer the conduct of its~~
16 ~~business, and 2-15-124(2)(a), (2)(d), and (3)(a) do not apply.~~

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

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

21 ~~**"44-4-403. Council duties -- determinations -- appeals.** (1) The council shall:~~

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

23 ~~(b) — conduct and approve training; and~~

24 ~~(c) — provide for the certification or recertification of public safety officers and for the suspension or~~
25 ~~revocation of certification of public safety officers.~~

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

27 ~~(3) — A person who has been denied certification or recertification or whose certification or~~
28 ~~recertification has been suspended or revoked is entitled to a contested case hearing before the council~~

1 pursuant to Title 2, chapter 4, part 6, ~~except that a decision by the council may be appealed to the board of~~
2 ~~crime control, as provided for in 44-7-101.~~ A decision of the council ~~board of crime control~~ is a final agency
3 decision subject to judicial review.

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

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

12 ~~"44-7-101. — Functions. (1) As designated by the governor as the state planning agency under the~~
13 ~~Omnibus Crime Control and Safe Streets Act of 1968, as amended, the board of crime control shall perform the~~
14 ~~functions assigned to it under that act. The board shall also provide to criminal justice agencies technical~~
15 ~~assistance and supportive services that are approved by the board or assigned by the governor or legislature.~~

16 ~~(2) — The board shall consider all appeals brought from decisions of the Montana public safety~~
17 ~~officer standards and training council pursuant to 44-4-403. A board member designated as a member of the~~
18 ~~Montana public safety officer standards and training council, as provided in 44-4-402, may not participate in~~
19 ~~appeals brought to the board from decisions of the council. The board shall promulgate rules governing the~~
20 ~~manner and method of appeals."~~

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

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25 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an
26 integral part of Title 44, chapter 4, part 4, and the provisions of Title 44, chapter 4, part 4, apply to [section 1].

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28 NEW SECTION. Section 4. Effective date. [This act] is effective July 1, 2023 ON PASSAGE AND

1 APPROVAL.

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