

HOUSE BILL NO. 75

INTRODUCED BY S. GIST

BY REQUEST OF THE PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING PUBLIC SAFETY OFFICER EMPLOYMENT, EDUCATION, AND CERTIFICATION STANDARDS; APPLYING CERTAIN PROVISIONS OF PEACE OFFICER CERTIFICATION STANDARDS TO ALL PUBLIC SAFETY OFFICERS; CLARIFYING TRAINING REQUIREMENTS WHEN NO BASIC EQUIVALENCY COURSE EXISTS FOR A PUBLIC SAFETY OFFICER'S SPECIFIC DISCIPLINE; AND AMENDING SECTION 44-4-404, MCA."

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

Section 1. Section 44-4-404, MCA, is amended to read:

"44-4-404. Appointing authority responsible for applying standards -- training requirements. (1)

It is the responsibility of a public safety officer's appointing authority to apply the employment standards and training criteria established by the council pursuant to this part, including but not limited to requiring the successful completion of minimum training standards within 1 year of the public safety officer's hire date and terminating the employment of a public safety officer for failure to meet the minimum standards established by the council pursuant to this part.

(2) (a) The provisions of 7-32-303(6), (7)(a), and (7)(d) apply to public safety officers in the public safety officer's specific discipline. Within 1 year of the public safety officer's most recent appointment, the public safety officer shall complete the applicable basic course if:

(i) no basic equivalency course exists in the public safety officer's discipline;

(ii) the public safety officer has attended the basic course required in 7-32-303(6); and

(iii) the public safety officer has a break in service of more than 3 years but less than 5 years.

(b) The requirements of subsection (2)(a) do not apply to reserve officers as defined in 7-32-201.

(2)(3) (a) A public safety officer's appointing authority may apply to the council on behalf of the public safety officer for an extension to complete the minimum training standards. The extension may not exceed 180

1 days. The application must explain the circumstances that make the extension necessary.

2 (b) When granting an extension, the council may consider the following factors:

3 (i) illness of the public safety officer or a member of the public safety officer's immediate family;

4 (ii) lack of reasonable access to the basic equivalency course;

5 (iii) an unreasonable shortage of personnel in the public safety officer's department; and

6 (iv) any other factors the council considers relevant.

7 ~~(3)~~(4) (a) If a public safety officer who has not yet completed the minimum training standards is
8 ordered to state or federal military duty within 1 year of the officer's hire date, the officer's employing agency
9 shall notify the council within 10 days of the officer's departure for military duty. The public safety officer's 1-
10 year period to complete minimum training standards must be stayed.

11 (b) Within 10 days of the public safety officer's return to the employing agency from military duty,
12 the officer's employing agency shall notify the council. The public safety officer's 1-year period to complete
13 minimum training standards must then resume."

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