

SENATE BILL NO. 362

INTRODUCED BY T. TEZAK, G. LAMMERS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING MUNICIPAL FIREFIGHTER QUALIFICATIONS; ALLOWING THE FIRE CHIEF TO QUALIFY A PERSON CONVICTED OF CERTAIN FELONIES AS A FIREFIGHTER; AND AMENDING SECTIONS 7-33-4107 AND 7-33-4108, MCA."

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

Section 1. Section 7-33-4107, MCA, is amended to read:

"7-33-4107. Qualifications of firefighters. (1) The state of Montana determines that qualifications for the firefighting profession must recognize the rigorous physical demands placed on firefighters and the expectation of many years of emergency service. To qualify as a firefighter, an applicant:

~~(1)~~(a) must be a citizen or lawful permanent resident of the United States;

~~(2)~~(b) must be at least 18 years of age;

~~(3)~~(c) must be a high school graduate or have been issued a high school equivalency diploma by the superintendent of public instruction or by an appropriate issuing agency of another state or of the federal government;

~~(4)~~(d) must possess or be eligible for a valid Montana driver's license;

~~(5)~~(e) shall pass a physical examination by a qualified physician, physician assistant, or advanced practice registered nurse, who is not the applicant's personal physician, physician assistant, or advanced practice registered nurse, appointed by the employing authority to determine if the applicant is free from any mental or physical condition that might adversely affect the applicant's performance of the duties of a firefighter, including requirements described in 7-33-1902;

~~(6)~~(f) must be fingerprinted and a search must be made of the local, state, and national fingerprint files to disclose any criminal record; and

~~(7)~~(g) except as provided in subsection (2), may not have been convicted of a crime for which the applicant could have been imprisoned in a federal or state penitentiary.

1 (2) (a) Pursuant to subsection (2)(b), at the discretion of the fire chief, an applicant who has been
2 convicted of a misdemeanor or a felony may be allowed to qualify as a firefighter.

3 (b) A fire chief may not allow an applicant to qualify as a firefighter if the applicant has been
4 convicted of a crime that requires the applicant to register on the sexual or violent offender registry under Title
5 46, chapter 23, part 5."

6
7 **Section 2.** Section 7-33-4108, MCA, is amended to read:

8 **"7-33-4108. Physical examination.** The examination required by 7-33-4107~~(5)~~(1)(e) must be in
9 writing, and a written determination of the examination must be filed with the city or town clerk. The
10 determination of the examination must disclose the ability of the applicant to perform the physical work usually
11 required of firefighters in the performance of their duty."

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