

1           **44-4-401. Definitions.** For the purposes of this part, the following  
2 definitions apply:

3           (1) “Council” means the Montana public safety officer standards and  
4 training council established in 2-15-2029.

5           (2) “Public safety officer” means:

6           (a) a corrections officer who is employed by the department of corrections,  
7 established in 2-15-2301, and who has full-time or part-time authority or  
8 responsibility for maintaining custody of inmates in a state correctional facility  
9 for adults or juveniles;

10           (b) a detention officer who is employed by a county and who has full-time  
11 or part-time authority or responsibility for maintaining custody of inmates in a  
12 detention center, as defined in 7-32-2241, or a youth detention facility, as defined  
13 in 41-5-103;

14           (c) a peace officer, as defined in 46-1-202;

15           (d) a department of transportation employee appointed as a peace officer  
16 pursuant to 61-12-201;

17           (e) ~~a law enforcement officer or reserve officer, as the terms are defined in~~  
18 ~~7-32-201;~~

19           (f) a public safety communications officer, as defined in 7-31-201;

20           (g) a probation or parole officer who is employed by the department of  
21 corrections pursuant to 46-23-1002;

22           (h) a person subject to training requirements pursuant to 44-2-113 or 44-4-  
23 902; ~~and~~

24           (i) a sheriff, except that nothing in this part may be construed to require an  
25 elected sheriff to possess a certificate issued by the council or be eligible for  
26 certification;

27           (j) a coroner with the duties described in 7-4-2911 or a deputy coroner

1 appointed pursuant to 7-4-2901, except that nothing in this part may be construed to  
2 require an elected coroner to possess a certificate issued by the council or be eligible  
3 for certification;

4 (k) a publicly employed misdemeanor probation officer as described in 46-  
5 23-1005;

6 (l) a pretrial services officer who must meet the training requirements in 46-  
7 23-1003 and who is employed by a pretrial services agency; and

8 (m) any other person required by law to meet the qualification or training  
9 standards established by the council.

10 **44-4-403. Council duties -- determinations -- appeals.** (1) The council  
11 shall:

12 (a) establish through administrative rule the basic, and continuing  
13 qualification, and training and employment standards, including ethics and  
14 professional conduct standards for employment all public safety officers in  
15 Montana;

16 (b) conduct and approve or review the training necessary to satisfy the  
17 standards established pursuant to subsection (1)(a) for all public safety officers in  
18 Montana; and

19 (c) provide for the certification or recertification of determine an individual's  
20 eligibility or ineligibility for certification as a public safety officers officer in  
21 Montana;

22 (d) provide for a minimum of basic certification for a public safety officer  
23 who meets the qualification, training, and employment standards for the discipline  
24 in which the officer is currently employed; and

25 (e) sanction, suspend, revoke, or deny for the suspension or revocation of the  
26 certification of public safety officers who violate or fail to meet standards  
27 established by the council.

1 (2) The council may waive or modify a qualification or training standard set in  
2 administrative rule for good cause.

3 (3) (a) ~~A person who has been denied certification or recertification or~~  
4 ~~whose certification or recertification has been~~ sanctioned, suspended, or revoked, or  
5 denied based on misconduct or who has been declared ineligible for certification  
6 by the council is entitled to a contested case hearing before the council pursuant  
7 to Title 2, chapter 4, part 6, and administrative rules established by the council that are  
8 not inconsistent with Title 2, chapter 4, part 6 except that a decision by the council  
9 may be appealed to the board of crime control, as provided for in 44-4-301. A  
10 decision of the board of crime control is a final agency decision subject to judicial  
11 review.

12 (b) The revocation or suspension of a public safety officer's basic certificate  
13 in any discipline automatically revokes or suspends for the same period of time all  
14 other public safety certificates held by the officer. A person may not be appointed  
15 or employed as a public safety officer if the person has ever had a public safety  
16 officer basic certificate revoked or if the person currently has a public safety  
17 officer basic certificate suspended.

18 (4) The council is designated as a criminal justice agency within the meaning  
19 of 44-5-103 for the purpose of obtaining and retaining confidential criminal justice  
20 information, as defined in 44-5-103, regarding public safety officers in order to  
21 ~~provide for the certification or recertification of a public safety officer and for the~~  
22 ~~suspension or revocation of certification of a public safety officer~~ fulfill the duties  
23 of subsections (1)(d) and (1)(e). The council may not record or retain any  
24 confidential criminal justice information without complying with the provisions of the  
25 Montana Criminal Justice Information Act of 1979 provided for in Title 44,  
26 chapter 5.

27 (5) The council may delegate decisions related to the grant or denial of

1 equivalent credit or the duties listed in 7-32-303(9) and subsections (1)(b) through  
2 (1)(c) of this section to its staff or executive director as long as the council reviews  
3 any decision that adversely affects the rights of an individual pursuant to Title 2,  
4 chapter 26, part 6.

5 **44-4-404. Appointing authority responsible for applying standards.**

6 (1) A public safety officer in Montana must meet the applicable qualification,  
7 training, and employment standards for the discipline in which the officer is  
8 currently employed and must be certified in that discipline by the council or  
9 eligible for the certification after the completion of a 1-year probationary period.

10 (2) It is the responsibility of a public safety officer's appointing authority to  
11 apply ensure that every public safety officer the authority employs meets the training  
12 and employment standards and training criteria established by the council pursuant  
13 to this part, including but not limited to:

14 (a) requiring the successful completion of minimum training standards that  
15 the public safety officer be certified by the council in the discipline in which the  
16 officer is currently employed or be eligible for the certification within 1 year of the  
17 public safety officer's hire date; and

18 (b) terminating or suspending the employment of a public safety officer for  
19 failure to meet the minimum standards established by the council pursuant to this  
20 part whose certification has been sanctioned, suspended, revoked, or denied or who  
21 has been declared ineligible for certification until the officer has a valid certification  
22 from the council in the appropriate discipline.

23 (3) It is unlawful for a person whose basic certification as a public safety  
24 officer in any discipline has been revoked or denied by the council for misconduct or  
25 who has been declared ineligible for certification by the council based on misconduct  
26 to act, be appointed, or be employed as a public safety officer in any discipline in  
27 Montana. It is unlawful for a person whose basic certification has been suspended

1 by the council to act, be appointed, or be employed as a public safety officer in any  
2 discipline in Montana during the period for which the certification is suspended. A  
3 person convicted of violating this subsection is guilty of a misdemeanor, punishable  
4 by a term of imprisonment not to exceed 6 months in the county jail or by a fine not  
5 to exceed \$500, or both.

6 (4) Within 10 days of the appointment, termination, resignation, or death of  
7 a public safety officer, the officer's employing authority shall give written notice of  
8 the event to the council.

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