

SENATE BILL NO. 348

INTRODUCED BY K. REGIER

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATING TO PROBATION AND  
5 PRETRIAL SERVICES; PROVIDING THAT MISDEMEANOR PROBATION OFFICERS AND PRETRIAL  
6 SERVICES OFFICERS ARE PUBLIC SAFETY OFFICERS FOR THE PURPOSES OF CERTAIN STANDARDS  
7 SET BY THE MONTANA PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL; REQUIRING  
8 THE COUNCIL TO ADOPT STANDARDS FOR MISDEMEANOR PROBATION OFFICERS AND PRETRIAL  
9 SERVICES OFFICERS; REVISING EDUCATION AND ONGOING TRAINING REQUIREMENTS FOR  
10 MISDEMEANOR PROBATION OFFICERS AND PRETRIAL SERVICES OFFICERS; PROVIDING FOR  
11 OFFICER TRAINING; PROVIDING FOR PAYMENT OF TRAINING COSTS AND A TRAINING FEE; AND  
12 AMENDING SECTIONS 44-4-401 AND 46-23-1003, MCA."

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

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16 **Section 1.** Section 44-4-401, MCA, is amended to read:

17 **"44-4-401. Definitions.** For the purposes of this part, the following definitions apply:

18 (1) "Council" means the Montana public safety officer standards and training council established in  
19 2-15-2029.

20 (2) "Public safety officer" means:

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

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

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

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

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

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



- 1 (g) a probation or parole officer who is employed by the department of corrections pursuant to  
 2 46-23-1002;
- 3 (h) a person subject to training requirements pursuant to 44-2-113 or 44-4-902; ~~and~~
- 4 (i) a misdemeanor probation officer who is employed by a local government or who is employed by a  
 5 private entity that contracts with a local government to provide misdemeanor probation supervision services;
- 6 (j) a pretrial services officer who is employed by a local government or who is employed by a private  
 7 entity that contracts with a local government to provide pretrial supervision services; and
- 8 ~~(i)(k)~~ (k) any other person required by law to meet the qualification or training standards established by the  
 9 council."

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11 **Section 2.** Section 46-23-1003, MCA, is amended to read:

12 **"46-23-1003. Qualifications of state felony probation and parole officers, pretrial service officers,**  
 13 **and misdemeanor probation officers.** (1) (a) ~~Probation~~ State felony probation and parole officers must have  
 14 at least a college degree and some formal training in behavioral sciences. Exceptions to this rule must be  
 15 approved by the department. Related work experience in the areas listed in subsection (1)(b) may be substituted  
 16 for educational requirements at the rate of 1 year of experience for 9 months formal education if approved by the  
 17 department. All present employees are exempt from this requirement but are encouraged to further their  
 18 education at the earliest opportunity.

19 (b) Work experience that may be substituted for the educational requirements in subsection (1)(a)  
 20 includes experience in the areas of criminology, education, medicine, psychiatry, psychology, law, law  
 21 enforcement, social work, sociology, psychiatric nursing, or guidance and counseling.

22 (2) Each state felony probation and parole officer shall, through a source approved by the officer's  
 23 employer, obtain 16 hours a year of training in subjects relating to the powers and duties of probation officers,  
 24 at least 1 hour of which must include training on serious mental illness and recovery from serious mental illness.  
 25 In addition, each state felony probation and parole officer must receive training in accordance with standards  
 26 adopted by the Montana public safety officer standards and training council established in 2-15-2029. The training  
 27 must be at the Montana law enforcement academy unless the council finds that training at some other place is  
 28 more appropriate.

29 (3) Misdemeanor probation officers and pretrial services officers must have at least a college degree and  
 30 some formal training in behavioral sciences. Each misdemeanor probation officer and pretrial services officer,

1 through a source approved by the officer's employer, must obtain 16 hours a year of training in subjects relating  
2 to the powers and duties of the officer, at least 1 hour of which must include training on serious mental illness and  
3 recovery from serious mental illness.

4 (4) Misdemeanor probation officers must receive training in accordance with standards adopted by the  
5 Montana public safety officer standards and training council established in 2-15-2029. The training must be at  
6 the Montana law enforcement academy unless the council finds that training at some other place is more  
7 appropriate. The Montana law enforcement academy is required to accept individuals employed by private  
8 Montana entities who contract with local governments to provide misdemeanor probation services and to provide  
9 the training required by this section. The individuals receiving training must be required to pay the cost of the  
10 training and a \$100 training fee.

11 (5) Pretrial services officers must receive training in accordance with standards adopted by the Montana  
12 public safety officer standards and training council established in 2-15-2029. The training must be at the Montana  
13 law enforcement academy unless the council finds that training at some other place is more appropriate. The  
14 Montana law enforcement academy is required to accept individuals employed by private Montana entities who  
15 contract with local governments to provide pretrial services and to provide the training required by this section.  
16 The individuals receiving training must be required to pay the cost of the training and a \$100 training fee."

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18 NEW SECTION. Section 3. Transition. The Montana public safety officer standards and training  
19 council shall adopt the training standards required by 46-23-1003 within 1 year of [the effective date of this act].

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