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As of: September 5, 2012 (1:08pm)

LCIj 21

**** Bill No. ****

Introduced By *****

By Request of the Montana Public Safety Officer Standards and Training Council

A Bill for an Act entitled: "An Act designating the Montana public safety officer standards and training council as a criminal justice agency for the purpose of obtaining confidential criminal justice information whenever certifying or recertifying a public safety officer or in regard to the suspension or revocation of certification of a public safety officer; amending section 44-4-403, MCA."

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 44-4-403, MCA, is amended to read:

"44-4-403. Council duties -- authority to investigate -- determinations -- appeals. (1) (a) The council shall:

(a) (i) establish basic and advanced qualification and training standards for employment;

(b) (ii) conduct and approve training; and

(c) (iii) provide for the certification or recertification of public safety officers and for the suspension or revocation of certification of public safety officers.

(b) The council is designated as a criminal justice agency within the meaning of 44-5-103 for the purpose of obtaining confidential criminal justice information, as defined in 44-5-103, regarding certifying or recertifying a public safety officer or in regard to the suspension or revocation of certification of a public safety officer, but the council may not record or retain any confidential criminal justice information without complying with the provisions of the Montana Criminal Justice Information Act of 1979, Title 44, chapter 5.

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

(3) A person who has been denied certification or recertification or whose certification or recertification has been suspended or revoked is entitled to a contested case hearing before the council pursuant to Title 2, chapter 4, part 6, except that a decision by the council may be appealed to the board of crime control, as provided for in 44-4-301. A decision of the board of crime control is a final agency decision subject to judicial review."

{Internal References to 44-4-403:
41-5-1808 44-4-301 ok/ddb }

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