

**Complete Shaded Areas**

Form last update 1/21/2014

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**Proposed 2015 Session Legislation**

Agency Name & No:

Priority Number:

Filename:

Short Title:

Peace officer status for Dept. of Corrections investigators

Agency Contact Person/Phone:

Adrienne Slaughter 444-0340

**1. Purpose:**

To allow the investigators within the Department of Corrections to maintain peace officer status, applied retroactively, subject to the requirements established by the Montana public safety officer standards and training counsel, established in 2-15-2029.

**2. Background:**

Dept. of Corrections investigators investigate suspected crimes in Dept. facilities and programs by virtue of a memorandum of understanding with the Dept. of Justice. This proposal seeks to replace the MOU with a permanent legislative enactment that would confer peace officer status.

**3. Fiscal Impact by Fund Type:**

*This impact should be as specific as possible.*

Minimal. The investigators would be members of the Game Warden and Peace Officer Retirement Systems and the employer contribution is slightly more than the contribution for PERS.

**4. Summary Checklist [Check & complete all that apply]--**

- Housekeeping Only     Federal Requirement     Audit Recommendation (Audit No. \_\_\_\_\_)     Major Legislation
- Anticipated to be Controversial Legislation     Bill Draft has been included in Legislation Submittal (if available)
- Supports Submitted EPP Item Number \_\_\_\_\_     Local Government Fiscal Impact
- Increases FTE, or  Decreases FTE by \_\_\_\_\_ List FTE amount and program \_\_\_\_\_
- Increases Existing Revenue     Tax     Fee     Penalty [amount in #3]
- Decreases Existing Revenue     Tax     Fee     Penalty [amount in #3]
- Establishes New Revenue     Tax     Fee     Penalty [amount in #3]
- Leg. has been Submitted in Previous Legislative Sessions (list priority no, LC no, or bill no): \_\_\_\_\_
- Legislation would affect other state agencies (list): \_\_\_\_\_
- Special Interest Groups Affected (list): **Montana Sheriff and Peace Officer Association**
- Other \_\_\_\_\_

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Short Title:

Prohibit a youth from being transferred to adult supervision without a felony

Agency Contact Person/Phone:

Adrienne Slaughter 444-0340

**1. Purpose:**

Amend MCA 41-5-208(1) as follows: After the first sentence, insert the following language: A transfer under this section shall not be made unless the youth has been adjudicated for a felony offense.

**2. Background:**

The current language in MCA 41-5-208 allows for a youth adjudicated solely for misdemeanor offenses to be transferred to adult probation supervision and ultimately the risk to be placed in an adult prison. No adult convicted of the same misdemeanor offenses can be sentenced to serve time in a prison.

**3. Fiscal Impact by Fund Type:**

*This impact should be as specific as possible.*

None

**4. Summary Checklist [Check & complete all that apply]--**

- Housekeeping Only     Federal Requirement     Audit Recommendation (Audit No. \_\_\_\_\_)     Major Legislation
- Anticipated to be Controversial Legislation     Bill Draft has been included in Legislation Submittal (if available)
- Supports Submitted EPP Item Number: \_\_\_\_\_     Local Government Fiscal Impact
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- Leg. has been Submitted in Previous Legislative Sessions (list priority no, LC no, or bill no): \_\_\_\_\_
- Legislation would affect other state agencies (list): \_\_\_\_\_
- Special Interest Groups Affected (list): \_\_\_\_\_
- Other: \_\_\_\_\_

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### Proposed 2015 Session Legislation

Agency Name & No:

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Filename:

Short Title:

Remove discretion of probation officer to authorize operation of vehicle

Agency Contact Person/Phone:

Adrienne Slaughter 444-0340

#### 1. Purpose:

Amend 61-8-731(4)(e) as follows: The court shall, as a condition of probation, order: . . . (4) that the person may not operate a motor vehicle unless authorized by the person's probation officer except upon the approval of a recommendation to the court by the person's probation officer;

#### 2. Background:

The previous statutory language leaves the decision to allow a felony DUI offender to drive up to the discretion of the probation officer. This places a considerable amount of responsibility and potential liability on the probation officer and the Department in the event that an adverse event occurs after giving the offender permission to drive.

#### 3. Fiscal Impact by Fund Type:

*This impact should be as specific as possible.*

None

#### 4. Summary Checklist [Check & complete all that apply]--

- Housekeeping Only     Federal Requirement     Audit Recommendation (Audit No. \_\_\_\_\_)     Major Legislation
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- Special Interest Groups Affected (list): \_\_\_\_\_
- Other: \_\_\_\_\_

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Agency Name & No:

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Allow for victim notification via email or telephone

Agency Contact Person/Phone:

Adrienne Slaughter 444-0340

**1. Purpose:**

To provide language in 46-24-213 that allows for victim notification requests and notification via email and telephone.

**2. Background:**

Victim notification requests and subsequent victim notification should be satisfied by written, telephone, email, or oral communication as opposed to notification requests only in writing, or notification only in writing or orally.

**3. Fiscal Impact by Fund Type:**

*This impact should be as specific as possible.*

None.

**4. Summary Checklist [Check & complete all that apply]--**

- Housekeeping Only     Federal Requirement     Audit Recommendation (Audit No. \_\_\_\_\_)     Major Legislation
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- Other: \_\_\_\_\_