**PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL**

**NOTICE OF PROPOSED RULEMAKING**

**MAR NOTICE NO. 2025-3.1**

**Summary**

Amendment of ARM 23.13.805 pertaining to certification of public safety officers

**Hearing Date and Time**

Friday, February 14, 2025, at 10:00 a.m.

**Hearing Information**

Room 207 of the Karl Ohs Building, Montana Law Enforcement Academy, 2260 Sierra Road East, Helena, Montana

**Comments**

Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Katrina Bolger, Montana POST Council, 2260 Sierra Road East, Helena, Montana, 59602; telephone (406) 444-9974; fax (406) 444-9978; or e-mail kbolger@mt.gov. Comments must be received by Friday, February 21, 2025, at 5:00 p.m.

**Accommodations**

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Wednesday, February 5, 2025, at 5:00 p.m.

**Contact**

Katrina Bolger

406-444-9974

kbolger@mt.gov

Fax: 406-444-9978

**Rulemaking Actions**

**AMEND**

The rule proposed to be amended is as follows, stricken matter interlined, new matter underlined:

**23.13.805 FIREARMS PROFICIENCY STANDARDS FOR APPOINTMENT AND CONTINUED SERVICE**

(1) Each agency that appoints a public safety officer who is authorized to carry firearms during the work assignment must:

(a) remains the same.

(b) designate an employee of a public safety agency, who is operating within the employee’s official capacity, to act as the agency’s ~~a~~ firearms instructor to conduct or oversee and document annual firearms proficiency. The instructor need not be a POST-certified instructor but must have attended a minimum 40-hour POST-approved firearms instructor course or its equivalent, which includes the following topics:

(i) through (ix) remain the same.

(c) remains the same.

(2) through (5) remain the same.

**Authorizing statute(s):** 2-15-2029, MCA

**Implementing statute(s):** 2-15-2029, 7-32-303, 44-4-403, MCA

**Reasonable Necessity Statement**

In October of 2024, POST was contacted by a business owner, inquiring whether agencies may hire private businesses to conduct agencies’ firearms qualifications. The POST ARM Committee met on November 13, 2024, and determined that the above changes are necessary in order to maintain the highest possible standards regarding firearms proficiency.

**Small Business Impact**

Pursuant to 2-4-111, MCA, the agency has determined that the rule changes proposed in this notice will not have a significant and direct impact upon small businesses.

**Bill Sponsor Notification**

The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

**Interested Persons**

The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person listed in contact information or may be made by completing a request form at any rules hearing held by the department.

**Rule Reviewer**

David Ortley

**Approval**

Jesse Slaughter, Chair, Montana POST Council