



**MONTANA
ADMINISTRATIVE
REGISTER**



PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-113.1

Summary

Amendment of ARM 23.13.207, 23.13.208, and 23.13.801 pertaining to the certification of public safety officers

No Hearing Scheduled

If the agency receives requests for a public hearing on the proposed rulemaking from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed rulemaking; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register.

The estimated number of persons directly affected by the proposed rulemaking is 5,039 persons based on approximately 5,039 public safety officers who are currently active in the state.

Comments

Concerned persons may submit their data, views, or arguments in writing 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, June 20, 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 Friday, June 20, 2025, at 5:00 p.m.

Contact

Katrina Bolger
406-444-9974
kbolger@mt.gov
Fax: 406-444-9978

Rulemaking Actions

AMEND

The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

23.13.207 REQUIREMENTS FOR THE PUBLIC SAFETY OFFICER INTERMEDIATE CERTIFICATE

- (1) remains the same.
- (3) In addition to ARM 23.13.204 and 23.13.205, a peace officer or probation and parole officer who is an applicant for an award of the intermediate certificate:
 - (a) and (b) remain the same.
 - (c) must have 200 combined POST-approved, in-service, or lateral POST training credit ~~training~~ hours as provided in these rules.
- (3) In addition to ARM 23.13.204 and 23.13.205, a detention/corrections officer or a misdemeanor probation/pretrial services officer who is an applicant for an award of the intermediate certificate:
 - (a) and (b) remain the same.
 - (c) must have 144 combined POST-approved, in-service, or lateral POST training credit ~~training~~ hours as provided in these rules.
- (4) In addition to ARM 23.13.204 and 23.13.205, a public safety communication officer who is an applicant for an award of the intermediate certificate:
 - (a) and (b) remain the same.

- (c) must have 84 combined POST-approved, in-service, or lateral POST training credit ~~training~~ hours as provided in these rules.

(5) and (6) remain the same.

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

Implementing statute(s): 2-15-2029, 44-4-403, MCA

Reasonable Necessity Statement

In March of 2024, POST made numerous changes to its rules to update and clarify language and ensure that the council's rules conform to POST's practices. The appearance of the second instance of the word "training" in the above subsections was a clerical error, which was discovered during additional changes to POST's rules, which were adopted in January of 2025. The proposed amendments above will remedy the error and ensure that POST's rules are clear and concise.

23.13.208 REQUIREMENTS FOR PUBLIC SAFETY OFFICER ADVANCED CERTIFICATE

(1) remains the same.

- (2) In addition to ARM 23.13.204 and 23.13.205, a peace officer or probation and parole officer who is an applicant for an award of the advanced certificate:

- (a) remains the same.

- (b) must have eight years of discipline-specific experience and 400 combined POST-approved, in-service, lateral POST training credit ~~training~~ hours as provided in these rules.

- (3) In addition to ARM 23.13.204 and 23.13.205, a detention/corrections officer or a misdemeanor probation/pretrial services officer who is an applicant for an award of the advanced certificate:

- (a) remains the same.

- (b) must have eight years of discipline-specific experience and 304 combined POST-approved, in-service, or lateral POST training credit ~~training~~ hours as provided in these rules.

- (4) In addition to ARM 23.13.204 and 23.13.205, a public safety communications officer who is an applicant for an award of the advanced certificate:
 - (a) remains the same.
 - (b) must have eight years of discipline-specific experience and 184 combined POST-approved, in-service, or lateral POST training credit training hours as provided in these rules.
- (5) and (6) remain the same.

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

Implementing statute(s): 2-15-2029, 44-4-403, MCA

Reasonable Necessity Statement

See the Reasonable Necessity Statement regarding the proposed amendments to ARM 23.13.207.

23.13.801 MINIMUM STANDARDS FOR THE APPOINTMENT AND CONTINUED EMPLOYMENT OF PUBLIC SAFETY OFFICERS

- (1) and (2) remain the same.
- (3) Every public safety communications officer, as a part of the training required in (2)(k)(I), must complete, every two calendar years, a telephone cardiopulmonary resuscitation (TCPR) course. The required TCPR training shall follow evidence-based, nationally recognized guidelines for high-quality TCPR that incorporate recognition protocols for out-of-hospital cardiac arrest (OHCA) and continuous education. The training must cover a minimum of the following topics:
 - (a) through (o) remain the same.
- (4) The POST Council is not responsible for maintaining records of continuing education hours acquired to satisfy the requirements of (2)(j)(I) and (2)(k)(3). The appointing authority must maintain records of the administration of the oath and the continuing education hours acquired to satisfy (2)(j)(I) and (2)(k)(3). Agency records maintained under this rule are subject to audit by the executive director during normal business hours upon reasonable notice to the agency.

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

Implementing statute(s): 2-15-2029, 44-4-403, MCA

Reasonable Necessity Statement

In March of 2024, POST made numerous changes to its rules to update and clarify language and ensure that the council's rules conform to POST's practices. After adoption of the changes, in January of 2025, the Department of Justice informed POST of an error in numbering which resulted from POST's prior changes.

In October of 2017, POST adopted rule changes regarding administering the code of ethics in ARM 23.13.803 as an oath. POST had determined that it was unconstitutional to require officers to swear an oath to the code of ethics and removed that requirement. During a routine review of its rules, POST recognized the language regarding an oath was not deleted from this rule. These proposed changes are necessary to provide clarity and consistency with regard to the code of ethics.

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. Written requests 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