

BEFORE THE PUBLIC SAFETY OFFICER  
STANDARDS AND TRAINING COUNCIL  
OF THE STATE OF MONTANA

In the matter of the adoption of NEW	)	NOTICE OF ADOPTION AND
RULES I through IV and the	)	AMENDMENT
amendment of ARM 23.13.101,	)	
23.13.102, 23.13.103, 23.13.104,	)	
23.13.204, 23.13.205, 23.13.206,	)	
23.13.207, 23.13.208, 23.13.209,	)	
23.13.210, 23.13.212, 23.13.301,	)	
23.13.302, 23.13.304, 23.13.601,	)	
23.13.702, 23.13.703, 23.13.704,	)	
23.13.705, 23.13.713, 23.13.714,	)	
23.13.716, 23.13.719, 23.13.720,	)	
23.13.721, 23.13.801, 23.13.803,	)	
23.13.804, 23.13.805, 23.13.806, and	)	
23.13.807 pertaining to the	)	
certification of public safety officers	)	

TO: All Concerned Persons

1. On December 8, 2023, the Public Safety Officer Standards and Training (POST) Council published MAR Notice No. 23-13-280 pertaining to the public hearing on the proposed adoption and amendment of the above-stated rules at page 1695 of the 2023 Montana Administrative Register, Issue Number 23.

2. The department has adopted the above-stated rules as proposed: NEW RULES I (23.13.105), II (23.13.218), III (23.13.305), and IV (23.13.306).

3. The department has amended the above-stated rules as proposed.

4. The POST Council has thoroughly considered the comments received. Copies of the written comments were provided to the council and will be provided to the public on request. Having fully considered the comments, the POST Council has decided to adopt and amend the rules as originally proposed. A summary of the comments received and the council's responses are as follows:

COMMENT 1: Fallon County Sheriff Trenton Harbaugh provided written comment, stating that ARM 23.13.703 should be amended to read "upon not sustained findings all records be removed from officer's file."

RESPONSE TO COMMENT 1: This comment is not relevant to the adoption or amendment of the rules proposed by POST in this rulemaking notice; therefore, no further response from POST is necessary.

COMMENT 2: Nanette Gilbertson, executive director of the Montana Sheriffs and Peace Officers Association, expressed support for POST's proposed amendment of ARM 23.13.807 in a written comment, stating that the changes would "maximize their training time by focusing on skills that emphasize officer safety through tactics and weapons handling."

RESPONSE TO COMMENT 2: The POST Council agrees that the changes to the SWAT course will improve the Primary SWAT courses offered to Montana public safety officers.

/s/ DAVID ORTLEY  
David Ortley  
Deputy Attorney General  
Rule Reviewer

/s/ JESSE SLAUGHTER  
Jesse Slaughter  
Chair  
Montana POST Council

Certified to the Secretary of State March 12, 2024.