

OFFICE OF THE GOVERNOR  
STATE OF MONTANA

STEVE BULLOCK  
GOVERNOR



MIKE COONEY  
LT. GOVERNOR

May 11, 2017

The Honorable Corey Stapleton  
Secretary of State  
State Capitol  
Helena, MT 59620

Dear Secretary Stapleton:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill 94 (HB 94), "AN ACT GENERALLY REVISING PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL LAWS; CLARIFYING EDUCATION REQUIREMENTS FOR COUNTY CORONERS AND DEPUTY CORONERS; REVISING PEACE OFFICER EMPLOYMENT, EDUCATION, AND CERTIFICATION STANDARDS; REVISING COUNCIL DUTIES; REVISING LAWS RELATED TO THE SUSPENSION OR REVOCATION OF A PUBLIC SAFETY OFFICER'S CERTIFICATION; REVISING DUTIES OF APPOINTING AUTHORITIES; PROVIDING A PENALTY FOR A VIOLATION OF CERTAIN PUBLIC SAFETY OFFICER CERTIFICATION REQUIREMENTS; PROVIDING REQUIREMENTS FOR PRETRIAL SERVICES OFFICERS; CLARIFYING TRAINING REQUIREMENTS FOR PROBATION AND PAROLE OFFICERS EMPLOYED BY THE DEPARTMENT OF CORRECTIONS; EXTENDING THE BOARD'S RULEMAKING AUTHORITY; AND AMENDING SECTIONS 7-4-2901, 7-4-2904, 7-4-2905, 7-32-240, 7-32-303, 44-4-401, 44-4-403, 44-4-404, 46-9-108, 46-9-505, 46-23-1001, 46-23-1003, 46-23-1005, AND 46-23-1012, MCA."

HB 94 began as a clean-up bill. The stated intent of the sponsor was to clarify the laws administered by the Peace Officers Standards and Training Council on issues like training for coroners and education and certification standards for peace officers and to better define the relationship between local criminal justice entities and private pre-trial services.

As the bill made its way through the legislative process, attempts were made by representatives for local governments and private providers to reach a compromise bill. Unfortunately, those efforts were not successful. The bill was amended in the Senate to give non-governmental agencies the power to arrest and to exempt them from the training standards required for peace officers with arrest authority. Under current law, private pre-trial services providers do not have the authority or power to arrest an offender. Instead, they work with local law enforcement officers to have an offender arrested for any violation of the offender's conditions.

Montana requires a 12-week peace officer training course. The course includes extensive legal training on issues like due process and search and seizure that must be successfully completed before a peace officer is granted the power to arrest. The reasons are obvious – arrest and the associated loss of liberty must be taken seriously. These laws are in place to protect citizens from wrongful arrest and from violation of constitutional protections like the right to privacy and the right to be free from unreasonable search and seizure.

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It is unfortunate this bill did not arrive on my desk in time for me to fix the provisions which compel me to veto it today. While I am supportive of most of what this bill seeks to do, the amendments that give arrest authority to private agencies and exempt them from the training required for all other peace officers in Montana, leave me no choice but to veto the bill.

I am willing to work with the sponsor and interested parties in advance of the 2019 session to craft a bill that I could sign.

For these reasons, I veto HB 94.

Sincerely,



STEVE BULLOCK

Governor

cc: Legislative Services Division  
Scott Sales, President of the Senate  
Austin Knudsen, Speaker of the House