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Law and Justice Interim Committee

68th Montana Legislature

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February 13, 2023,

TO: Law and Justice Interim Committee
FROM: Julianne Burkhardt, Staff Attorney
RE: Administrative Rule Activity

Public Safety Officers Standards and Training Council (POST)

MAR 2023 Issue No. 22, (November 17, 2023) POST Issued a Notice of Transfer of pertaining to 23.13.201, 23.13.203, 23.13.214 through 23.13.217. The rules transfer is necessary because certification rules are already covered in POST's administrative rules and these rules actually address appointment and employment of officers.

MAR 2023 Issue No. 23, (December 8, 2023) POST issued a Notice of Public Hearing on Proposed Adoption and Amendment regarding four new rules and 23.13.101 through 23.13.104, 23.13.204 through 23.13.210, 23.13.212, 23.13.301 through 23.13.304, 23.13.601, 23.13.702 through 23.13.705, 23.13.713 through 23.13.714, 23.13.716, 23.13.719 through 23.13.720, 23.13.801 through 23.13.807. The listed rules address certification of law enforcement officers. Further information on the necessity of each new rule and amendment were provided by POST and are available on if the LJIC would like further information.

Department of Justice (DOJ)

MAR 2023 Issue No. 23, (December 8, 2023) the DOJ issued a DOJ issued a Notice of Proposed Adoption and Amendment regarding the adoption of one new rule and the amendment of 23.12.102 addressing criminal history information provided by the DOJ to qualified entities. New Rule 1 basically creates a process by which a qualified entity may submit a request for screening of an employee, volunteer, contractor, or other person with access to DOJ information. The rule is necessary because the federal government requires states with a Volunteer and Criminal History System (VECHS) Program to have a statute or rule in place allowing certain entities to conduct background checks who will have contact with vulnerable populations.

MAR 2024 Issue No. 1, (January 12, 2024) the DOJ issued a DOJ issued a Notice of Proposed Adoption and Amendment regarding 23.16.117, 23.16.403, 23.16.509, 23.16.1802, 23.16.1811, 23.16.1823, 23.16.1826, 23.16.1827, 23.16.1907A, 23.16.1924, addressing gambling licenses and video gambling machines. No public hearing is contemplated.

MAR 2024 Issue No. 2, (January 26, 2023) the DOJ issued a Notice of Proposed Adoption and Amendment regarding the adoption of 1 new rule addressing reimbursement of counties for expert witness expenses in certain criminal proceedings. This rule is necessary based on Senate Bill 229 granting rulemaking authority for reimbursement procedures.

MAR 2024 Issue No. 2, (January 26, 2023) the DOJ issued a Notice of Adoption and Amendment regarding MAR Notice Number 23.12.102 addressing criminal history information. No comments or testimony were received.