

HOUSE BILL NO. 478

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR VOLUNTEER SECURITY TEAMS; ALLOWING
CERTAIN ORGANIZATIONS TO HAVE VOLUNTEER SECURITY TEAMS; PROVIDING QUALIFICATIONS
FOR TEAM MEMBERS CARRYING ARMS; PROVIDING APPLICATION AND TRAINING PROCESSES FOR
TEAM MEMBERS; PROVIDING ELIGIBILITY FOR TEAM MEMBERS; PROVIDING IMMUNITY, JUSTIFYING
USE OF FORCE, AND PROVIDING CERTAIN EXEMPTIONS FOR TEAM MEMBERS; AND PROVIDING
DEFINITIONS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Definitions. As used in [sections 1 and 2], unless the context clearly
indicates otherwise, the following definitions apply:

- (1) "Concealed weapon" has the same meaning as provided in 45-8-315.
- (2) "Declared emergency" means a situation or circumstance declared by appointed security
personnel to be unsafe endangerment to organization members or event attendees. The term includes a violent
critical incident, an active shooter or active killer, and the need for physical removal of a person from the
premises who is interrupting the peaceful process of the event.
- (3) "Event" includes but is not limited to a religious service, a festival, a recreation or sporting
event, a community market, and other events hosted by an a religious organization.

~~(4) "Organization" means an entity or group of persons formed with the intent of reaching or~~

~~hosting members of the general public for a common purpose. The term may include an unincorporated group of persons, an association, a nonprofit corporation that is not a government entity, and a for-profit corporation.~~

~~(5)(4)~~ "Public event" means a gathering that a member of the public may attend, including events that charge an entrance fee.

~~(5) "Religious organization" has the same meaning as provided in 10-3-103.~~

(6) "Security person" means a person who provides safety, security, or protection for an organization of which the person is a member to benefit persons in attendance at an event held or sponsored by the organization.

(7) "Volunteer security team" means a group of security persons who perform interdependent tasks to provide security for an organization without any express or implied promise of remuneration. The term does not include a militia as defined in 10-1-101.

NEW SECTION. Section 2. Volunteer security teams -- eligibility -- exemption from civil damages. (1) (a) ~~An~~ A religious organization may have a volunteer security team.

(b) The religious organization must have an emergency action plan and a security policy in place.

(2) The religious organization must have a volunteer security team application process in place, including background checks and minimum training standards.

(3) To be eligible to serve on the volunteer security team, an individual:

(a) must be a citizen of the United States;

(b) must be at least 18 years of age;

(c) must have a permit to carry a concealed weapon pursuant to 45-8-312 or an active firearms certification if the person is a retired law enforcement officer pursuant to 45-8-338;

(d) may not be convicted of a crime for which the person could have been imprisoned in a federal or state penitentiary;

(e) must be of good moral character as determined by a thorough background investigation;

(f) must be a high school graduate or have been issued a high school equivalency diploma by the superintendent of public instruction or by an appropriate issuing agency of another state or of the federal government;

- 1 (g) must possess or be eligible for a valid Montana driver's license;
- 2 (h) must be free of any mental condition that might adversely affect performance of the duties of a
- 3 security person;
- 4 (i) must be free of any physical condition that might adversely affect performance of the duties of
- 5 a security person; and
- 6 (j) must have successfully completed an oral examination conducted by the organization or its
- 7 designated representative to demonstrate the possession of communication skills, temperament, motivation,
- 8 and other characteristics necessary to the accomplishment of the duties and functions of a security person.
- 9 (4) (a) The volunteer security team shall form an organizational structure, including a security
- 10 director and a team leader.
- 11 (b) If the volunteer security team is composed of only one person, the person shall act as the
- 12 security director and team leader to fulfill the organizational structure requirement.
- 13 (5) An armed member of a volunteer security team shall:
- 14 (a) hold an active permit to carry a concealed weapon as issued by a Montana county sheriff
- 15 pursuant to 45-8-312 or an active firearms certification if the person is a retired law enforcement officer
- 16 pursuant to 45-8-338;
- 17 (b) complete annual public safety officer standards and training council-certified handgun
- 18 proficiency training in accordance with rules set by the department of justice; and
- 19 (c) attend mandatory quarterly training provided by a law enforcement agency as defined in 7-32-
- 20 201 or an individual or entity licensed to provide firearms training as provided in 37-60-101, except when the
- 21 volunteer security team is composed of only one person.
- 22 (6) The volunteer security team leader must be responsible for:
- 23 (a) coordinating training; and
- 24 (b) maintaining records of all training attended by each volunteer security team member.
- 25 (7) A person serving as a volunteer security team member at the request of an a religious
- 26 organization hosting a public event is subject to the immunity of 27-1-722.
- 27 (8) A volunteer security team member is justified in the use of force or threat to use force against
- 28 another in defense of a person pursuant to 45-3-102 or in defense of an occupied structure pursuant to 45-3-

1 103.

2 (9) Civil immunity must be in effect only during a declared emergency on the religious
3 organization's property or at a sanctioned religious organization event in another location.

4 (10) Civil immunity may be extended to a volunteer security team member or an employee of the
5 religious organization acting on behalf of security, or at the direction of a volunteer security team member,
6 during the declared emergency.

7 (11) A volunteer security team member is exempt from all requirements under Title 37, chapter 60.

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9 NEW SECTION. Section 3. Codification instruction. [Sections 1 and 2] are intended to be codified
10 as an integral part of Title 44, chapter 4, and the provisions of Title 44, chapter 4, apply to [sections 1 and 2].

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