

HOUSE BILL NO. 478

INTRODUCED BY N. NICOL, V. RICCI, W. GALT, L. SCHUBERT, S. KELLY, S. KLAKKEN, G.
OVERSTREET, R. GREGG, C. SCHOMER, C. COCHRAN, T. MILLETT, T. MANZELLA, D. ZOLNIKOV, D.
EMRICH, J. FULLER, S. GIST, R. MARSHALL, A. REGIER, S. VANCE, J. KASSMIER, G. LAMMERS, M.
REGIER, S. VINTON, M. YAKAWICH, C. GLIMM, B. LER, J. SCHILLINGER, G. OBLANDER, K. ZOLNIKOV, J.
ETCHART, L. DEMING, F. NAVE, B. USHER, G. HERTZ, G. KMETZ, D. LENZ, F. MANDEVILLE, T.
MCGILLVRAY, B. MITCHELL, M. NOLAND, J. TREBAS, Z. WIRTH, K. BOGNER, T. TEZAK, B. BEARD, J.
HINKLE, B. PHALEN

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

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

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

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

8 (7) "Volunteer security team" means a group of security persons who perform interdependent
9 tasks to provide security for an organization without any express or implied promise of remuneration.

10
11 **NEW SECTION. Section 2. Volunteer security teams -- eligibility -- exemption from civil**
12 **damages.** (1) (a) An organization may have a volunteer security team.

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

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

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

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

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

19 (c) must have a permit to carry a concealed weapon pursuant to 45-8-312 or an active firearms
20 certification pursuant to 45-8-338;

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

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

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

27 (g) must possess or be eligible for a valid Montana driver's license;

28 (h) must be free of any mental condition that might adversely affect performance of the duties of a

1 security person;

2 (i) must be free of any physical condition that might adversely affect performance of the duties of
3 a security person; and

4 (j) must have successfully completed an oral examination conducted by the organization or its
5 designated representative to demonstrate the possession of communication skills, temperament, motivation,
6 and other characteristics necessary to the accomplishment of the duties and functions of a security person.

7 (4) (a) The volunteer security team shall form an organizational structure, including a security
8 director and a team leader.

9 (b) If the volunteer security team is composed of only one person, the person shall act as the
10 security director and team leader to fulfill the organizational structure requirement.

11 (5) An armed member of a volunteer security team shall do all of the following:

12 (a) hold an active permit to carry a concealed weapon as issued by a Montana county sheriff
13 pursuant to 45-8-312 or an active firearms certification pursuant to 45-8-338;

14 (b) complete annual public safety officer standards and training council-certified handgun
15 proficiency training in accordance with rules set by the department of justice. The department of justice may, by
16 rule, establish a fee that is commensurate with the cost of conducting the handgun proficiency training; and

17 (c) attend mandatory quarterly training provided by a law enforcement agency as defined in 7-32-
18 201 or an individual or entity licensed to provide firearms training as provided in 37-60-101, except when the
19 volunteer security team is composed of only one person.

20 (6) The volunteer security team leader must be responsible for:

21 (a) coordinating training; and

22 (b) maintaining records of all training attended by each volunteer security team member.

23 (7) A person serving as a volunteer security team member at the request of an organization
24 hosting a public event is subject to the immunity of 27-1-722.

25 (8) A volunteer security team member is justified in the use of force or threat to use force against
26 another in defense of a person pursuant to 45-3-102 or in defense of an occupied structure pursuant to 45-3-
27 103.

28 (9) Civil immunity must be in effect only during a declared emergency on the organization's

1 property or at a sanctioned organization event in another location.

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

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

6
7 **NEW SECTION. Section 3. Codification instruction.** [Sections 1 and 2] are intended to be codified
8 as an integral part of Title 44, chapter 4, and the provisions of Title 44, chapter 4, apply to [sections 1 and 2].

9 - END -