

1 *Senate* BILL NO. *119*
 2 INTRODUCED BY *Harold Roberts*

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ENABLE PEACE
 5 OFFICERS TO RETAIN ALL PRIVILEGES AND IMMUNITIES FROM
 6 LIABILITY, AND ALL PENSION, INSURANCE, SALARY, AND OTHER
 7 BENEFITS TO WHICH THEY ARE NORMALLY ENTITLED WHEN RESPONDING
 8 TO OR PROVIDING ASSISTANCE TO ANY OTHER PEACE OFFICER WHO
 9 HAS CALLED FOR ASSISTANCE AND PROVIDING GUIDELINES FOR
 10 REIMBURSEMENT OF ENTITIES WHOSE EMPLOYEES ASSIST OTHER
 11 ENTITIES UNDER THIS ACT."

12
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 Section 1. Law enforcement mutual assistance
 15 authorized -- powers, duties, rights, and privileges of
 16 assisting officers. A peace officer or any law enforcement
 17 entity of any county or municipality or state government law
 18 enforcement entity may request the assistance of a peace
 19 officer from another law enforcement entity within the state
 20 of Montana. A peace officer, while on such request for
 21 assistance, has the same powers, duties, rights, privileges,
 22 and immunities as a peace officer of the requesting entity.

23 Section 2. Peace officer rendering assistance entitled
 24 to all rights of employment. A peace officer rendering
 25 assistance under [section 1 of this act] is entitled to the

1 same wage, salary, pension, workers' compensation, and all
 2 other service rights for such service as for service
 3 rendered within the law enforcement entity in which he is
 4 normally employed.

5 Section 3. Employing entity to pay normal expenses for
 6 assisting officer -- reimbursement in certain cases. The law
 7 enforcement entity employing a peace officer who renders
 8 assistance shall pay all wage, pension, and disability
 9 payments, claims for damage to clothing and equipment, and
 10 medical expense incurred by its personnel in rendering
 11 assistance. Upon making such payment such law enforcement
 12 entity shall be reimbursed by the law enforcement entity
 13 that requested the services out of which the payments arose.
 14 The employing entity shall also provide workers'
 15 compensation coverage for its employees while rendering
 16 assistance.

17 Section 4. Assisted entity liable for obligation
 18 resulting from rendered assistance. A law enforcement entity
 19 requesting assistance under [section 1 of this act] is also
 20 liable for any liability or obligation to indemnify the
 21 assisting peace officer, his legal representative in case of
 22 death, or the furnishing law enforcement entity for any
 23 liability or obligation to indemnify created by 82-4322.1
 24 and 82-4323 that may result from the assistance furnished.

-End-

SB119

Approved by Committee
on Judiciary

1 SENATE BILL NO. 119
 2 INTRODUCED BY HAZELBAKER, ROBERTS
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ENABLE PEACE
 5 OFFICERS TO RETAIN ALL PRIVILEGES AND IMMUNITIES FROM
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 7 BENEFITS TO WHICH THEY ARE NORMALLY ENTITLED WHEN RESPONDING
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 4 normally employed.
 5 Section 3. Employing entity to pay normal expenses for
 6 assisting officer — reimbursement in certain cases. The law
 7 enforcement entity employing a peace officer who renders
 8 assistance shall pay ~~pay~~ MAKE all wage, pension, and disability
 9 payments, ~~claims~~ AND PAYMENTS for damage to clothing and
 10 equipment, DUE TO THE OFFICER AS A RESULT OF THE RENDERING
 11 OF ASSISTANCE and SHALL PAY ANY medical expense incurred by
 12 ~~its personnel~~ THE OFFICER in rendering assistance FOR WHICH
 13 THE OFFICER IS NOT OTHERWISE ENTITLED TO REIMBURSEMENT BY
 14 OPERATION OF LAW OR A CONTRACT. Upon making such payment
 15 such law enforcement entity shall, IF IT SO REQUESTS, be
 16 reimbursed by the law enforcement entity that requested the
 17 services ~~out of which the payments arose~~ FOR ALL PAYMENTS
 18 MADE FOR WAGES AND DAMAGE TO CLOTHING AND EQUIPMENT AND FOR
 19 ANY MEDICAL EXPENSE FOR WHICH NEITHER THE EMPLOYING ENTITY
 20 NOR THE OFFICER IS OTHERWISE ENTITLED TO REIMBURSEMENT BY
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2 ~~liable for any liability or obligation to~~ SHALL indemnify
3 the assisting peace officer, his legal representative in
4 case of death, or the furnishing law enforcement entity for
5 any liability or obligation to indemnify created by
6 82-4322.1 and 82-4323 that may result from the assistance
7 furnished.

-End-

SENATE BILL NO. 119

INTRODUCED BY HAZELBAKER, ROBERTS

A BILL FOR AN ACT ENTITLED: "AN ACT TO ENABLE PEACE OFFICERS TO RETAIN ALL PRIVILEGES AND IMMUNITIES FROM LIABILITY, AND ALL PENSION, INSURANCE, SALARY, AND OTHER BENEFITS TO WHICH THEY ARE NORMALLY ENTITLED WHEN RESPONDING TO OR PROVIDING ASSISTANCE TO ANY OTHER PEACE OFFICER WHO HAS CALLED FOR ASSISTANCE AND PROVIDING GUIDELINES FOR REIMBURSEMENT OF ENTITIES WHOSE EMPLOYEES ASSIST OTHER ENTITIES UNDER THIS ACT."

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

Section 1. Law enforcement mutual assistance authorized — powers, duties, rights, and privileges of assisting officers. A peace officer or any law enforcement entity of any county or municipality or a state government law enforcement entity may request the assistance of a peace officer from another law enforcement entity within the state of Montana. A peace officer, while on such request for assistance, has the same powers, duties, rights, privileges, and immunities as a peace officer of the requesting entity.

Section 2. Peace officer rendering assistance entitled to all rights of employment. A peace officer rendering assistance under [section 1 of this act] is entitled to the

same wage, salary, pension, workers' compensation, and all other service rights for such service as for service rendered within the law enforcement entity in which he is normally employed.

Section 3. Employing entity to pay normal expenses for assisting officer — reimbursement in certain cases. The law enforcement entity employing a peace officer who renders assistance shall pay ~~pay~~ MAKE all wage, pension, and disability payments, ~~claims~~ AND PAYMENTS for damage to clothing and equipment, DUE TO THE OFFICER AS A RESULT OF THE RENDERING OF ASSISTANCE and SHALL PAY ANY medical expense incurred by ~~its personnel~~ THE OFFICER in rendering assistance FOR WHICH THE OFFICER IS NOT OTHERWISE ENTITLED TO REIMBURSEMENT BY OPERATION OF LAW OR A CONTRACT. Upon making such payment such law enforcement entity shall, IF IT SO REQUESTS, be reimbursed by the law enforcement entity that requested the services ~~out of which the payments arose~~ FOR ALL PAYMENTS MADE FOR WAGES AND DAMAGE TO CLOTHING AND EQUIPMENT AND FOR ANY MEDICAL EXPENSE FOR WHICH NEITHER THE EMPLOYING ENTITY NOR THE OFFICER IS OTHERWISE ENTITLED TO REIMBURSEMENT BY OPERATION OF LAW OR A CONTRACT. The employing entity shall also provide workers' compensation coverage for its employees while rendering assistance.

Section 4. Assisted entity liable for obligation resulting from rendered assistance. A law enforcement entity

1 requesting assistance under [section 1 of this act] ~~is--also~~
2 ~~liable for any liability or obligation to~~ SHALL indemnify
3 the assisting peace officer, his legal representative in
4 case of death, or the furnishing law enforcement entity for
5 any liability or obligation to indemnify created by
6 82-4322.1 and 82-4323 that may result from the assistance
7 furnished.

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11 OF ASSISTANCE and SHALL PAY ANY medical expense incurred by
12 ~~its personnel~~ THE OFFICER in rendering assistance FOR WHICH
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16 reimbursed by the law enforcement entity that requested the
17 services ~~out--of--which--the--payments--arose~~ FOR ALL PAYMENTS
18 MADE FOR WAGES AND DAMAGE TO CLOTHING AND EQUIPMENT AND FOR
19 ANY MEDICAL EXPENSE FOR WHICH NEITHER THE EMPLOYING ENTITY
20 NOR THE OFFICER IS OTHERWISE ENTITLED TO REIMBURSEMENT BY
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22 also provide workers' compensation coverage for its
23 employees while rendering assistance.

24 Section 4. Assisted entity liable for obligation
25 resulting from rendered assistance. A law enforcement entity

REFERENCE BILL

SB 0119/02

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4 case of death, or the furnishing law enforcement entity for
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