

House Bill 422

In The House

January 22, 1981

Introduced and referred
to Committee on Local
Government.

April 23, 1981

Died in Committee.

1 HOUSE BILL NO. 422
2 INTRODUCED BY [Signature]

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE THE POSITIONS
5 OF CITY AND MUNICIPAL CONSTABLE."

6
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

8 Section 1. Court to appoint constable. Each city judge
9 shall appoint one or more city constables who shall have the
10 powers and duties provided in [section 2]. Each constable so
11 appointed is an employee of the city court.

12 Section 2. Power and duties governed by law
13 prescribing sheriffs' duties. All the provisions of
14 25-3-101, 25-3-202, 25-3-204, 25-3-301(1), and 25-3-302
15 apply to constables and govern their powers, duties, and
16 liabilities.

17 Section 3. Deputy constables -- authority. The court
18 may, if it determines the appointment to be necessary,
19 appoint one or more persons of suitable age not interested
20 in the action to serve process of the court. Any deputy so
21 appointed has the same powers, duties, and liabilities as
22 the constable.

23 Section 4. Compensation. The city governing body shall
24 by resolution, on or before July 1 of each year, fix the
25 salary of every constable and deputy constable. The annual

1 salary or other compensation of city constables must be
2 fixed by ordinance and appropriated from money derived from
3 fees of the court and from fees charged by the constable for
4 the performance of his official duties.

5 Section 5. Fees -- mileage. (1) A constable shall
6 receive a fee of \$2 for each and every kind of process or
7 notice, as defined by 25-3-101, served by him.

8 (2) In addition to any fee received under subsection
9 (1), a constable shall receive mileage, at the rate provided
10 by 2-18-503, when performing his official duties.

11 Section 6. Liability in civil actions. A constable is
12 liable in a civil action to the same extent and, where the
13 authorized duties of a constable are the same as the duties
14 of a sheriff, for the same reasons as a sheriff under
15 7-32-2131.

16 Section 7. Municipal constable. A municipal court
17 shall appoint a constable who is subject to the same powers,
18 duties, rights, and liabilities and who is appointed and
19 paid in the same manner as a city constable under the
20 provisions of [sections 1 through 6].

-End-

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