

HOUSE BILL NO. 545

INTRODUCED BY SIVERTSEN

IN THE HOUSE

January 28, 1981	Introduced and referred to Committee on Judiciary.
February 16, 1981	Committee recommend bill do pass as amended. Report adopted.
February 17, 1981	Bill printed and placed on members' desks.
February 21, 1981	Second reading, do pass.
February 23, 1981	Correctly engrossed.
February 24, 1981	Third reading, passed. Ayes, 99; Noes, 0. Transmitted to Senate.

IN THE SENATE

March 2, 1981	Introduced and referred to Committee on State Administration.
March 12, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 13, 1981	Second reading, concurred in.
March 16, 1981	Third reading, concurred in as amended. Ayes, 50; Noes, 0.

IN THE HOUSE

March 17, 1981	Returned from Senate with amendments.
April 7, 1981	Second reading, amendments concurred in.

April 7, 1981

On motion, rules suspended
and bill placed on third
reading this day.

Third reading, amendments
concurred in. Ayes, 95;
Noes, 2. Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 545
2 INTRODUCED BY Swintan

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION
5 7-32-4114, MCA, GUARANTEEING A MEMBER OF A POLICEMAN'S
6 FAMILY THE RIGHT TO PARTICIPATE IN POLITICAL ACTIVITY."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9 Section 1. Section 7-32-4114, MCA, is amended to read:

10 "7-32-4114. Restrictions on activities of policemen ==
11 ~~rights of family members.~~ (1) No member of the police force
12 ~~shall may~~ hold any other office or be employed in any other
13 department of the city or town government.

14 (2) No officer or member of the police department
15 ~~shall may~~ be a member of or delegate to any political
16 convention, nor ~~shall may~~ he be present at such convention
17 except in the performance of duty relating to his position
18 as such officer or member.

19 (3) It shall be unlawful for any officer or member of
20 the police department to solicit any person to vote at any
21 political caucus, primary, or election for any candidate or
22 to challenge any voter or in any manner to attempt to
23 influence any voter at any political caucus, primary, or
24 election or be a member of any political committee.

25 ~~(4) The fact that a person is an officer or member of~~

1 ~~the police department does not deprive his spouse or any~~
2 ~~member of his family of the right to participate in~~
3 ~~political activity or to hold public or political office."~~

-End-

INTRODUCED BILL
-2-
HB 545

Approved by Committee
on Judiciary

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 6 POLICEMAN'S POLICE FORCE FAMILY-THE-RIGHT TO PARTICIPATE IN
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 12 ~~rights--of-family-members.~~ (1) No member of the police force
 13 shall may hold any other office or be employed in any other
 14 department of the city or town government.

15 ~~(2)--No--officer--or--member--of--the--police--department~~
 16 ~~shall may be a member--of--or--delegate--to--any--political~~
 17 ~~convention,--nor--shall may he be present at such convention~~
 18 ~~except in the performance of duty relating to his position~~
 19 ~~as such officer or member.~~

20 ~~(3)--It--shall--be--unlawful--for--any--officer--or--member--of~~
 21 ~~the--police--department--to--solicit--any--person--to--vote--at--any~~
 22 ~~political--caucus,--primary,--or--election--for--any--candidate--or~~
 23 ~~to--challenge--any--voter--or--in--any--manner--to--attempt--to~~
 24 ~~influence--any--voter--at--any--political--caucus,--primary,--or~~
 25 ~~election--or--be--a--member--of--any--political--committee.~~

1 ~~(4)--The--fact--that--a--person--is--an--officer--or--member--of~~
 2 ~~the--police--department--does--not--deprive--his--spouse--or--any~~
 3 ~~member--of--his--family--of--the--right--to--participate--in~~
 4 ~~political--activity--or--to--hold--public--or--political--office."~~

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 21 the--police--department--to--solicit--any--person--to--vote--at--any
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 23 to challenge any voter or in any manner to attempt to
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1 ~~(4) The fact that a person is an officer or member of~~
 2 ~~the police department does not deprive his spouse or any~~
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 4 ~~political activity or to hold public or political office."~~

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A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 7-32-4114, MCA, GUARANTEEING TO ALLOW A MEMBER OF A POLICEMAN'S POLICE FORCE FAMILY THE RIGHT AND HIS FAMILY THE RIGHT TO PARTICIPATE IN POLITICAL ACTIVITY AND TO ALLOW MEMBERS OF HIS FAMILY TO HOLD PUBLIC OFFICE."

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

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"7-32-4114. Restrictions on activities of policemen -- ~~rights--of-family-members.~~ (1) No member of the police force shall ~~may~~ hold any other office or be employed in any other department of the city or town government.

~~(2) No officer or member of the police department shall ~~may~~ be a member of or delegate to any political convention, nor shall ~~may~~ he be present at such convention except in the performance of duty relating to his position as such officer or member.~~

~~(3) It shall be unlawful for any officer or member of the police department to solicit any person to vote at any political caucus, primary, or election for any candidate or to challenge any voter or in any manner to attempt to influence any voter at any political caucus, primary, or~~

~~election or be a member of any political committee.~~

~~(4) The fact that a person is an officer or member of the police department does not deprive his spouse or any member of his family of the right to participate in political activity or to hold public or political office.~~

(2) THE FACT THAT A PERSON IS AN OFFICER OR MEMBER OF THE POLICE DEPARTMENT DOES NOT DEPRIVE HIS SPOUSE OR ANY MEMBER OF HIS FAMILY OF THE RIGHT TO PARTICIPATE IN POLITICAL ACTIVITY OR TO HOLD PUBLIC OR POLITICAL OFFICE.

(3) AN OFFICER OR MEMBER OF THE POLICE DEPARTMENT MAY PARTICIPATE IN POLITICAL ACTIVITY PROVIDED HE DOES NOT DO SO WHILE ON DUTY OR IN UNIFORM OR THAT IT DOES NOT OTHERWISE INTERFERE WITH THE PERFORMANCE OF HIS DUTIES."

-End-

March 12, 1981

SENATE STANDING COMMITTEE REPORT
(State Administration)

That House Bill No. 545 be amended as follows:

1. Title, line 6.
Following: "~~RIGHT~~"
Insert: "AND HIS FAMILY THE RIGHT"
2. Title, line 7.
Following: "ACTIVITY"
Insert: "AND TO ALLOW MEMBERS OF HIS FAMILY TO HOLD PUBLIC OFFICE"
3. Page 2, line 1.
Following: "~~4~~"
Insert: "(2)" and all remaining stricken language in lines 1-4.
4. Page 2
Following: line 4.
Insert: "(3) An officer or member of the police department may participate in political activity provided he does not do so while on duty or in uniform or that it does not otherwise interfere with the performance of his duties."