

House Bill 742

In The House

February 13, 1981

Introduced and referred
to Committee on Judiciary.

February 24, 1981

Committee recommend bill
do not pass.

HOUSE BILL NO. 742

INTRODUCED BY Jawlan by Report

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE LAW RELATING TO SHERIFF ENFORCEMENT OF LAWS AND ORDINANCES IN A CITY OR A TOWN; AMENDING SECTIONS 3-10-702 AND 7-32-2121, MCA."

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

Section 1. Section 7-32-2121, MCA, is amended to read:

"7-32-2121. Duties of sheriff. (1) The sheriff must:

(1)(a) preserve the peace;

(2)(b) arrest and take before the nearest magistrate for examination all persons who attempt to commit or have committed a public offense;

(3)(c) prevent and suppress all affrays, breaches of the peace, riots, and insurrections which may come to his knowledge;

(4)(d) perform the duties of a humane officer within the county with reference to the protection of dumb animals;

(5)(e) attend all courts, except municipal, justices', and city courts, at their respective terms or sessions held within the county and obey their lawful orders and directions;

(6)(f) command the aid of as many inhabitants of the

county as are necessary in the execution of the sheriff's duties;

(7)(g) take charge of and keep the county jail and the prisoners therein;

(8)(h) endorse upon all notices and process the year, month, day, hour, and minute of reception and issue therefor to the person delivering them, on payment of fees, a certificate showing the names of the parties, the title of the paper, and the time of reception;

(9)(i) serve all process or notices in the manner prescribed by law;

(10)(j) certify in writing upon the process or notices the manner and time of service or, if he fails to make service, the reasons of this failure, and return the papers without delay; and

(11)(k) perform such other duties as are required by law.

(2) (a) ~~The sheriff shall, whenever called upon, enforce state laws and attend to violations thereof in a city or a town without any cost to the city or the town.~~

(b) ~~A city or a town and a county may enter into an interlocal agreement pursuant to Title 7, chapter 11, for reimbursement of costs incurred for sheriff enforcement of a city or town ordinance."~~

Section 2. Section 3-10-702, MCA, is amended to read:

LC 2160/01

1 "3-10-702. Governed by law prescribing sheriffs'
2 duties. All the provisions of 3-5-407, 7-32-2101, 7-32-2102,
3 7-32-2121, [except subsections ~~(4)~~, ~~(5)~~ and ~~(6)~~ (d) through
4 (f) of subsection (1)], 7-32-2122, 7-32-2124, 7-32-2127,
5 7-32-2129 through 7-32-2132, 25-3-101, 25-3-202, 25-3-204
6 through 25-3-206, 25-3-301, 25-3-302, 25-13-403,
7 25-31-408(3), 27-18-305, and 27-18-1505 apply to constables
8 and govern their powers, duties, and liabilities."

-End-