SENATE BILL NO. 27

INTRODUCED BY S. BROWN

IN THE SENATE

January 5, 1981	Introduced and referred to Committee on Judiciary.
January 8, 1981	Committee recommend bill do pass and be placed on consent calendar. Report adopted.
January 9, 1981	Bill printed and placed on members' desks.
January 10, 1981	Consent calendar discussion.
January 12, 1981	Consent calendar, do pass. Transmitted to House.

IN THE HOUSE

January 13, 1981	Introduced and referred to Committee on Judiciary.
March 4, 1981	Committee recommend bill be concurred in. Report adopted.
March 5, 1981	Second reading, concurred in.
March 7, 1981	Third reading, concurred in. Yeas, 87; Nays, 7.

IN THE SENATE

March 7, 1981	Returned from the House. Concurred in. Sent to enrolling.
	Reported correctly enrolled.

SENATE____ BILL NO. _27__

INTRODUCED BY __S. BROWN_____

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT THE COUNTY SHERIFF IS THE LEGAL OFFICER IN CHARGE OF THE OPERATIONS OF SEARCH AND RESCUE UNITS; AMENDING SECTION 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. The sheriff must:

(1) preserve the peace;

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

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

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

(5) 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) command the aid of as many inhabitants of the county as are necessary in the execution of the sheriff's duties;

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

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

(10) 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) take charge of and supervise search and rescue units and their officers whenever search and rescue units are called into service; and

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

NEW SECTION. Section 2. Search and rescue units under control of county sheriff. Except in time of martial rule as provided in 10-1-106, search and rescue units and their officers are under the operational control and supervision of the county sheriff having jurisdiction.

SB 27

1   Section 3. Codification   instruction.   Section 2 is

2   intended to be codified as an   integral   part   of   Title   7,

3   chapter   32,   part 2, and the provisions of Title 7, chapter

4   32, part 2, apply to section 2.

               -End-

SECOND READING BILL
WAS NOT PRINTED.

1   SENATE   BILL NO. __27__

2   INTRODUCED BY __S. BROWN_____

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4   A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT THE

5   COUNTY SHERIFF IS THE LEGAL OFFICER IN CHARGE OF THE

6   OPERATIONS OF SEARCH AND RESCUE UNITS; AMENDING SECTION

7   7-32-2121, MCA."

8

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

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

11   "7-32-2121. Duties of sheriff. The sheriff must:

12   (1) preserve the peace;

13   (2) arrest and take before the nearest magistrate for

14   examination all persons who attempt to commit or have

15   committed a public offense;

16   (3) prevent and suppress all affrays, breaches of the

17   peace, riots, and insurrections which may come to his

18   knowledge;

19   (4) perform the duties of a humane officer within the

20   county with reference to the protection of dumb animals;

21   (5) attend all courts, except municipal, justices', and

22   city courts, at their respective terms or sessions held

23   within the county and obey their lawful orders and

24   directions;

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

1   county as are necessary in the execution of the sheriff's

2   duties;

3   (7) take charge of and keep the county jail and the

4   prisoners therein;

5   (8) endorse upon all notices and process the year,

6   month, day, hour, and minute of reception and issue therefor

7   to the person delivering them, on payment of fees, a

8   certificate showing the names of the parties, the title of

9   the paper, and the time of reception;

10   (9) serve all process or notices in the manner

11   prescribed by law;

12   (10) certify in writing upon the process or notices the

13   manner and time of service or, if he fails to make service,

14   the reasons of this failure, and return the papers without

15   delay;-and

16   (11) take charge of and supervise search and rescue

17   units and their officers whenever search and rescue units

18   are called into service; and

19   (11)(12) perform such other duties as are required by

20   law."

21   NEW SECTION. Section 2. Search and rescue units under

22   control of county sheriff. Except in time of martial rule as

23   provided in 10-1-106, search and rescue units and their

24   officers are under the operational control and supervision

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CONSENT CALENDAR

-2-   THIRD READING

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