

HOUSE BILL NO. 795

2/12 Introduced  
2/12 Referred to Judiciary  
2/19 Hearing  
2/19 Committee Report-Bill Do Pass  
2/21 2nd Reading Do Not Pass  
2/21 Bill Killed

HOUSE BILL NO. 795

INTRODUCED BY Crofford Adams Wright

Beck Gilbert Phillips Smith Bashinski Lehje Stinson

A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE LIMITATION ON ARRESTS BY A UNITED STATES CUSTOMS OFFICER OR OFFICER OF THE IMMIGRATION AND NATURALIZATION SERVICE BY PERMITTING SUCH AN OFFICER TO MAKE AN ARREST WITHOUT A WARRANT IN CERTAIN SITUATIONS EVEN THOUGH THE OFFICER IS NOT ON DUTY; AMENDING SECTION 46-6-412, MCA."

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

Section 1. Section 46-6-412, MCA, is amended to read:

"46-6-412. Arrest by officer of the United States customs service or immigration and naturalization service. An officer of the United States customs service or immigration and naturalization service, including an officer who is not on duty, may make an arrest without a warrant if ~~the officer is on duty~~ and one or more of the following situations exist:

- (1) A person commits or attempts to commit an offense in the officer's presence.
- (2) The officer believes on reasonable grounds that the person is committing an offense or that the person committed an offense and the circumstances require his immediate arrest.

- (3) The officer believes on reasonable grounds that a warrant for the person's arrest has been issued in this state.
- (4) The officer believes on reasonable grounds that a felony warrant for the person's arrest has been issued in another jurisdiction."

-End-



-2-  
INTRODUCED BILL  
HB 795

APPROVED BY COMMITTEE  
ON JUDICIARY

1                    HOUSE BILL NO. 795  
 2    INTRODUCED BY Crofford W. Cady NALM  
 3                    Pack Gilbert Phillips Boehring  
 4    A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE debye  
 5    LIMITATION ON ARRESTS BY A UNITED STATES CUSTOMS OFFICER OR Johnson  
 6    OFFICER OF THE IMMIGRATION AND NATURALIZATION SERVICE BY Peterson  
 7    PERMITTING SUCH AN OFFICER TO MAKE AN ARREST WITHOUT A  
 8    WARRANT IN CERTAIN SITUATIONS EVEN THOUGH THE OFFICER IS NOT  
 9    ON DUTY; AMENDING SECTION 46-6-412, MCA."

10  
11    BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12            Section 1. Section 46-6-412, MCA, is amended to read:  
13            "46-6-412. Arrest by officer of the United States  
14    customs service or immigration and naturalization service.  
15    An officer of the United States customs service or  
16    immigration and naturalization service, including an officer  
17    who is not on duty, may make an arrest without a warrant if  
18    ~~the officer is on duty~~ and one or more of the following  
19    situations exist:

- 20            (1) A person commits or attempts to commit an offense
- 21            in the officer's presence.
- 22            (2) The officer believes on reasonable grounds that
- 23            the person is committing an offense or that the person
- 24            committed an offense and the circumstances require his
- 25            immediate arrest.

- 1            (3) The officer believes on reasonable grounds that a
- 2            warrant for the person's arrest has been issued in this
- 3            state.
- 4            (4) The officer believes on reasonable grounds that a
- 5            felony warrant for the person's arrest has been issued in
- 6            another jurisdiction."

-End-

SECOND READING  
HB 795

