

SENATE BILL NO. 74

1/07 Introduced
1/07 Referred to Highways & Transportation
1/22 Hearing
2/22 Committee Report-Bill Pass As Amended
2/25 2nd Reading Pass
2/27 3rd Reading Pass

Transmitted to House

3/06 Referred to Business & Labor
3/19 Hearing
3/20 Fiscal Note Requested
3/22 Fiscal Note Received
3/28 Committee Report-No Recommendation
4/01 2nd Reading Not Concurred
4/01 Bill Killed

1 SENATE BILL NO. 74
 2 INTRODUCED BY AKLESTAD

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS
 5 RELATING TO THE DUTIES OF HIGHWAY PATROLMEN; AUTHORIZING
 6 HIGHWAY PATROLMEN TO PROTECT THE PUBLIC PEACE ON PUBLIC
 7 HIGHWAYS AND TO PREVENT OBSTRUCTION OF PUBLIC HIGHWAYS;
 8 AUTHORIZING HIGHWAY PATROLMEN TO MAKE ARRESTS FOR CONDUCT
 9 DISRUPTIVE OF PUBLIC ORDER; AMENDING SECTIONS 44-1-1001 AND
 10 44-1-1003, MCA; AND REPEALING SECTION 44-1-1002, MCA."

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

13 Section 1. Section 44-1-1001, MCA, is amended to read:
 14 "44-1-1001. Offenses for which patrolmen may make
 15 arrests. (1) The highway patrol chief and all patrolmen may
 16 make arrests for the offenses listed in subsection (2) under
 17 the following circumstances. The offense is:

18 (a) ~~the-offense-is~~ committed in the presence of the
 19 chief or any patrolman;

20 (b) ~~the-offense-is~~ committed in a rural district and a
 21 request for assistance is made by a peace officer; ~~or~~

22 (c) ~~the--offense-is~~ committed in a city or town with a
 23 population of less than 2,500 and a request for assistance
 24 is made by a peace officer or the mayor of the city or town;
 25 or

1 (d) causing the obstruction of a public highway and
 2 assistance is requested by a peace officer of a rural
 3 district or the mayor of a city or town of any size.

4 (2) Offenses for which arrests may be made under
 5 subsection (1) are:

6 (a) deliberate homicide;

7 (b) assault with a deadly weapon;

8 (c) arson;

9 (d) criminal mischief;

10 (e) burglary;

11 (f) theft;

12 (g) kidnapping;

13 (h) illegal transportation of narcotics; ~~or~~

14 (i) violation of the Dyer Act regarding the
 15 transportation of stolen automobiles; or

16 (j) conduct disruptive of public order, as defined in
 17 Title 45, chapter 8, part 1."

18 Section 2. Section 44-1-1003, MCA, is amended to read:

19 "44-1-1003. Offenses on highways, rest areas, and
 20 state highway properties adjacent to the highway or
 21 involving motor vehicles. Patrolmen are considered police
 22 officers for the purpose of making arrests for all offenses
 23 occurring on the highways, highway rest areas, state highway
 24 properties adjacent to the highway, or involving the use of
 25 motor vehicles or the registration thereof and for the

1 purpose of serving warrants of arrest in connection with
2 such violations. Patrolmen may prevent the obstruction of
3 any public highway in this state and take action to
4 forestall or mitigate imminent or existing danger to public
5 health or safety or to preserve the lives and property of
6 the people of this state as necessary, including making
7 arrests and preventing violence. Patrolmen's jurisdiction to
8 prevent obstruction of public highways in a city or town is
9 concurrent with that of the local law enforcement agency.
10 Patrolmen shall cooperate with local law enforcement
11 agencies to assure minimum duplication and maximum
12 coordination of enforcement efforts."

13 NEW SECTION. Section 3. Repealer. Section 44-1-1002,
14 MCA, is repealed.

-End-

STATE OF MONTANA

FISCAL NOTE

REQUEST NO. FNN 519-85

Form BD-15

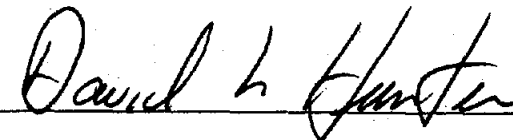
In compliance with a written request received March 20, 19 85, there is hereby submitted a Fiscal Note for Senate Bill 74 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act revising the laws relating to the duties of Highway Patrolmen; authorizing Highway Patrolmen to protect the public peace on public highways and to prevent obstruction of public highways.

FISCAL IMPACT:

The Department of Justice believes the costs of the bill can be absorbed within their current budget. However, if Highway Patrolmen are utilized in a labor dispute, there will be a necessary diversion from their normal traffic enforcement and safety responsibilities.



BUDGET DIRECTOR
Office of Budget and Program Planning

Date: March 22, 1985

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

SENATE BILL NO. 74

INTRODUCED BY AKLESTAD

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS
RELATING TO THE DUTIES OF HIGHWAY PATROLMEN; AUTHORIZING
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~~AUTHORIZING HIGHWAY PATROLMEN TO MAKE ARRESTS FOR CONDUCT
DISRUPTIVE OF PUBLIC ORDER;~~ AMENDING SECTIONS 44-1-1001 AND
THROUGH 44-1-1003, MCA, ~~AND REPEALING SECTION 44-1-1002,~~
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make arrests for the offenses listed in subsection (2) under
the following circumstances. The offense is:

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chief or any patrolman;

(b) ~~the offense is~~ committed in a rural district and a
request for assistance is made by a peace officer; or

(c) ~~the offense is~~ committed in a city or town with a
population of less than 2,500 and a request for assistance
is made by a peace officer or the mayor of the city or town;

or

(d) causing the obstruction of a public highway and
assistance is requested by a peace officer of a rural
district or BY A PEACE OFFICER OF OR the mayor of a city or
town of any size TO FORESTALL OR MITIGATE IMMINENT OR
EXISTING DANGER TO PUBLIC SAFETY.

(2) Offenses for which arrests may be made under
subsection (1) are:

(a) deliberate homicide;

(b) assault with a deadly weapon;

(c) arson;

(d) criminal mischief;

(e) burglary;

(f) theft;

(g) kidnapping;

(h) illegal transportation of narcotics; or OR

(i) violation of the Dyer Act regarding the
transportation of stolen automobiles; or

~~(j) conduct disruptive of public order, as defined in
Title 45, chapter 8, part 1.~~

SECTION 2. SECTION 44-1-1002, MCA, IS AMENDED TO READ:

"44-1-1002. No authority in labor disputes --
exception. Such Except as provided in 44-1-1003, such
highway patrolmen have no authority and are expressly
forbidden to make arrests in labor disputes or to prevent



1 violence in connection with strikes and may not perform any
2 duties whatsoever in connection with labor disputes,
3 strikes, or boycotts."

4 Section 3. Section 44-1-1003, MCA, is amended to read:

5 "44-1-1003. Offenses on highways, rest areas, and
6 state highway properties adjacent to the highway or
7 involving motor vehicles. Patrolmen are considered police
8 officers for the purpose of making arrests for all offenses
9 occurring on the highways, highway rest areas, state highway
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11 motor vehicles or the registration thereof and for the
12 purpose of serving warrants of arrest in connection with
13 such violations. ~~Patrolmen may prevent the obstruction of~~
14 ~~any public highway in this state and take action to~~
15 ~~forestall or mitigate imminent or existing danger to public~~
16 ~~health or safety or to preserve the lives and property of~~
17 ~~the people of this state as necessary, including making~~
18 ~~arrests and preventing violence. Patrolmen's jurisdiction to~~
19 ~~prevent obstruction of public highways in a city or town is~~
20 ~~concurrent with that of the local law enforcement agency.~~
21 ~~Patrolmen shall cooperate with local law enforcement~~
22 ~~agencies to assure minimum duplication and maximum~~
23 ~~coordination of enforcement efforts.~~ IN CASE OF OBSTRUCTION
24 OF A PUBLIC HIGHWAY RESULTING IN ANY THREAT TO OR
25 INTERRUPTION OF SAFE OR PROMPT PASSAGE BY THE PUBLIC ON THE

1 HIGHWAY AND UPON PRESENTATION OF SUCH EVIDENCE TO THE
2 ATTORNEY GENERAL OR HIS DESIGNEE, HE SHALL PROMPTLY
3 AUTHORIZE THE HIGHWAY PATROL CHIEF AND PATROLMEN TO TAKE ANY
4 APPROPRIATE ACTION, EITHER ALONE OR IN COOPERATION WITH
5 OTHER PEACE OFFICERS, TO MAINTAIN THE PUBLIC PEACE AND ORDER
6 ALONG THE HIGHWAY AND THE ORDERLY FLOW OF TRAFFIC."

7 ~~NEW SECTION--Section 3--Repealer--Section 44-1-1002,~~
8 ~~MCA, is repealed.~~

-End-

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19 {j}--conduct-disruptive-of-public-order, as defined--in
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 4 APPROPRIATE ACTION, EITHER ALONE OR IN COOPERATION WITH
 5 OTHER PEACE OFFICERS, TO MAINTAIN THE PUBLIC PEACE AND ORDER
 6 ALONG THE HIGHWAY AND THE ORDERLY FLOW OF TRAFFIC."

7 ~~NEW SECTION: Section 3, Repeater: Section 44-1-1002~~
 8 ~~MEA, is repeated.~~

-End-

STANDING COMMITTEE REPORT

HOUSE

March 27

19 85

~~page xxxxxx~~

MR. SPEAKER

We, your committee on BUSINESS AND LABOR

having had under consideration SENATE Bill No. 74

third reading copy (blue color)

INCREASE HIGHWAY PATROL ARREST AUTHORITY

Respectfully report as follows: That SENATE Bill No. 74

BE AMENDED AS FOLLOWS:

1. Title, line 10
Strike: "THROUGH 44-1-1003"
Insert: "and 44-1-1002"
2. Page 2, line 6
Following: "SAFETY"
Insert: "within that jurisdiction"
3. Page 2, line 23
Following: "in"
Strike: "44-1-1003"
Insert: "44-1-1001 (1) (d) when the request is made directly to the attorney general or his designee, and he shall authorize the highway patrol chief to take appropriate action"

4. Page 3, line 4
Strike: Section 3 in its entirety

~~DO PASS~~

WITHOUT RECOMMENDATION
AS AMENDED

54
3/28

Rep. Bob Pavlovich

Rep. Bob Pavlovich, Chairman.