

SENATE BILL 339
INTRODUCED BY LYNCH

IN THE SENATE

February 7, 1985	Introduced and referred to Committee on Local Government.
February 21, 1985	Committee recommend bill do pass. Report adopted.
February 22, 1985	Bill printed and placed on members' desks.
February 23, 1985	Second reading, do pass.
February 25, 1985	Considered correctly engrossed. Third reading, passed. Ayes, 46; Noes, 0. Transmitted to House.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on Local Government.
March 15, 1985	Committee recommend bill be concurrent in. Report adopted.
March 19, 1985	Second reading, concurred in.
March 21, 1985	Third reading, concurred in. Returned to Senate.

IN THE SENATE

March 21, 1985	Received from House. Sent to enrolling. Reported correctly enrolled.
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4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A SHERIFF TO
 5 CHARGE A FEE OF \$1 IN LIEU OF MILEAGE FOR SERVING ITEMS OF A
 6 CIVIL NATURE; AMENDING SECTION 7-32-2143, MCA."

7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 7-32-2143, MCA, is amended to read:

10 "7-32-2143. Mileage and expenses of sheriff in
 11 general. (1) Except as provided in 7-32-2144 and 7-32-2145,
 12 in addition to the fees specified in 7-32-2141 and
 13 7-32-2142, the sheriff shall receive for each mile actually
 14 traveled in serving any writ, process, order, or other
 15 paper, including a warrant of arrest, or in conveying a
 16 person under arrest before a magistrate or to jail only his
 17 actual expenses when such travel is made by railroad or
 18 airline; and when travel is other than by railroad or
 19 airline, he shall receive a mileage allowance as provided in
 20 2-18-503 for each mile actually traveled by him both going
 21 and returning and the actual expenses incurred by him in
 22 conveying a person under arrest before a magistrate or to
 23 jail. He shall receive the same mileage and his actual
 24 expenses for the person conveyed or transported under order
 25 of court within the county, the same to be in full payment

1 for transporting and feeding such persons during such
 2 transportation. Whenever more than one person is transported
 3 by the sheriff or when one or more papers are served on the
 4 same trip made for the transportation of one or more
 5 prisoners, only one mileage may be charged.

6 (2) No mileage may be paid by the county to sheriffs
 7 whose vehicles are provided and maintained by the county.
 8 All mileage paid to sheriffs whose vehicles are provided and
 9 maintained by the county shall be paid over to the county
 10 treasurer and deposited in the county general fund.

11 (3) (a) No mileage may be allowed on an attachment,
 12 order of arrest, order for delivery of personal property, or
 13 any other order, notice, or paper when the same accompanies
 14 the summons and the service thereof may be made at the time
 15 of the service of the summons, except for the distance
 16 actually traveled beyond that required to serve the summons.
 17 When two or more papers are served on the same person at the
 18 same time or when any paper or papers are served on more
 19 than one person on the same trip, only one mileage may be
 20 allowed or charged; and in the service of subpoenas, only
 21 one mileage may be charged when the persons named therein
 22 live in the same place or in the same direction; but mileage
 23 may be charged for the longest distance actually traveled.
 24 Any writ, order, or other paper for service must be received
 25 at any place in the county where a sheriff or a deputy is

1 found, and mileage must be computed only from such place to
2 the place of service. When two or more officers travel in
3 the same automobile in the discharge of any duty, only one
4 mileage may be allowed.

5 (b) When any sheriff or constable serves more than one
6 process in the same cause, not requiring more than one
7 journey from his office, he shall receive mileage only for
8 the more distant service, and no mileage in any case may be
9 allowed for less than 1 mile actually traveled.

10 (4) In lieu of charging mileage for the service of
11 items of a civil nature as provided in subsections (1) and
12 (3), a sheriff may charge \$1 for the service of each item of
13 a civil nature that requires a return or proof of service."

-End-

APPROVED BY COMM.
ON LOCAL GOVERNMENT

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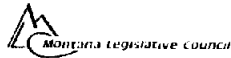
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16 person under arrest before a magistrate or to jail only his
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18 airline; and when travel is other than by railroad or
19 airline, he shall receive a mileage allowance as provided in
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6 (2) No mileage may be paid by the county to sheriffs
7 whose vehicles are provided and maintained by the county.
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5 (b) When any sheriff or constable serves more than one
6 process in the same cause, not requiring more than one
7 journey from his office, he shall receive mileage only for
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10 (4) In lieu of charging mileage for the service of
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