

SENATE BILL 255

Introduced by Aklestad

1/26	Introduced
1/26	Referred to Judiciary
2/03	Hearing
2/09	Committee Report--Bill Passed as Amended
2/13	2nd Reading Passed
2/15	3rd Reading Passed

Transmitted to House

2/21	Referred to Labor & Employment Relations
3/16	Hearing
3/20	Tabled in Committee

1 *Senate* BILL NO. *255*  
2 INTRODUCED BY *AKLESTAD*  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS  
5 RELATING TO THE DUTIES OF HIGHWAY PATROLMEN; TO AUTHORIZE  
6 HIGHWAY PATROLMEN TO MAKE ARRESTS TO PREVENT AN OBSTRUCTION  
7 OF THE PUBLIC HIGHWAY THAT RENDERS TRAFFIC IMPASSABLE;  
8 AMENDING SECTIONS 44-1-1001 THROUGH 44-1-1003, MCA; AND  
9 PROVIDING AN EFFECTIVE DATE."

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

12 **Section 1.** Section 44-1-1001, MCA, is amended to read:

13 "44-1-1001. Offenses for which patrolmen may make  
14 arrests. (1) The highway patrol chief and all patrolmen may  
15 make ~~arrests~~ an arrest for the offenses an offense listed in  
16 subsection (2) ~~under the following circumstances~~ if the  
17 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) rendering vehicular traffic on a public highway  
2 impassable, as prohibited under 45-8-101, and a request for  
3 assistance is made by a peace officer or the mayor of a city  
4 or town of any size.

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

7 (a) deliberate homicide;

8 (b) assault with a deadly weapon;

9 (c) arson;

10 (d) criminal mischief;

11 (e) burglary;

12 (f) theft;

13 (g) kidnapping;

14 (h) illegal transportation of narcotics; or

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

17 (j) rendering vehicular traffic on a public highway  
18 impassable, as prohibited under 45-8-101."

19 **Section 2.** Section 44-1-1002, MCA, is amended to read:

20 "44-1-1002. No authority in labor disputes --  
21 exception. Such Except as provided in 44-1-1003, highway  
22 patrolmen have no authority and are expressly forbidden to  
23 make arrests in labor disputes or to prevent violence in  
24 connection with strikes and may not perform any duties  
25 whatsoever in connection with labor disputes, strikes, or

boycotts."

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

"44-1-1003. Offenses on highways, rest areas, and state highway properties adjacent to the highway or involving motor vehicles. (1) Patrolmen are considered police officers for the purpose of making arrests for all offenses occurring on the highways, highway rest areas, state highway properties adjacent to the highway, or involving the use of motor vehicles or the registration thereof of motor vehicles and for the purpose of serving warrants of arrest in connection with such the violations.

(2) Patrolmen may take any action appropriate, either alone or in cooperation with other peace officers, to keep the public peace and to maintain the safe, free flow of traffic on the public highway if:

(a) there is an obstruction of the public highway rendering vehicular traffic impassable as prohibited under 45-8-101; and

(b) a request for assistance, provided for in 44-1-1001, is made directly to the attorney general or his designee, who shall promptly authorize the highway patrol chief and patrolmen to take action necessary to assure the safe and prompt passage of the public on the highway."

**NEW SECTION. Section 4.** Extension of authority. Any existing authority to make rules on the subject of the

provisions of [this act] is extended to the provisions of [this act].

**NEW SECTION. Section 5.** Effective date. [This act] is effective July 1, 1989.

-End-

APPROVED BY COMMITTEE  
ON JUDICIARY

SENATE BILL NO. 255  
INTRODUCED BY AKLESTAD

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS  
RELATING TO THE DUTIES OF HIGHWAY PATROLMEN; TO AUTHORIZE  
HIGHWAY PATROLMEN TO MAKE ARRESTS TO PREVENT AN OBSTRUCTION  
OF THE PUBLIC HIGHWAY THAT RENDERS TRAFFIC IMPASSABLE;  
AMENDING SECTIONS 44-1-1001 THROUGH 44-1-1003, MCA; AND  
PROVIDING AN EFFECTIVE DATE."

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

**Section 1.** Section 44-1-1001, MCA, is amended to read:

"44-1-1001. Offenses for which patrolmen may make  
arrests. (1) The highway patrol chief and all patrolmen may  
make arrests an arrest for the offenses an offense listed in  
subsection (2) under--the--following--circumstances if the  
offense is:

(a) ~~the offense is~~ committed in the presence of the  
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) rendering vehicular traffic on a public highway  
impassable, as prohibited under 45-8-101, and a request for  
assistance is made by a peace officer or the mayor of a city  
or town of any size.

(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

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

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make arrests in labor disputes or to prevent violence in  
connection with strikes and may not perform any duties  
whatsoever in connection with labor disputes, strikes, or

1 boycotts."

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4 state highway properties adjacent to the highway or  
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7 offenses occurring on the highways, highway rest areas,  
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10 thereof of motor vehicles and for the purpose of serving  
11 warrants of arrest in connection with such the violations.

12 ~~(2) Patrolmen may take any action appropriate, either~~  
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15 traffic on the public highway if:

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17 rendering vehicular traffic impassable as prohibited under  
18 45-8-101; and

19 (b) a request for assistance, provided for in  
20 44-1-1001, is made directly to the attorney general or his  
21 designee DESIGNATED ASSISTANT ATTORNEY GENERAL, who shall  
22 MAY promptly authorize the highway patrol chief and  
23 patrolmen to take action necessary to assure the safe and  
24 prompt passage of the public on the highway."

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1 existing authority to make rules on the subject of the  
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(a) ~~the-offense-is~~ committed in the presence of the 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) rendering vehicular traffic on a public highway impassable, as prohibited under 45-8-101, and a request for assistance is made by a peace officer or the mayor of a city or town of any size.

(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;

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7 offenses occurring on the highways, highway rest areas,  
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