

House BILL NO. 491

Wells

INTRODUCED BY Brainard Swang Tash Clark Jore
Storall Jayla Wagner Benedict McEne Fuchs Jylke

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT THE SHERIFF IS THE CHIEF LAW ENFORCEMENT OFFICER OF A COUNTY; AMENDING SECTION 7-32-2121, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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~~ is the chief law enforcement officer of the county and in that capacity shall:

(1) preserve the peace;

(2) arrest and take before the nearest magistrate for examination all persons who attempt to commit or ~~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 detention center and the inmates ~~therein~~ in the detention center, unless the detention center is operated by a private party under an agreement entered into under 7-32-2201 or by a detention center administrator or by another local government;

(8) endorse upon all notices and process the year, month, day, hour, and minute of ~~reception~~ receipt and issue ~~therefor~~ to the person delivering them, on payment of ~~fees~~ the required fee, a certificate showing the names of the parties, the title of the paper, and the time of ~~reception~~ receipt;

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

1 (10) certify in writing upon the process or notices the manner and time of service or, ~~if he fails~~
2 upon failure to make service, the reasons of this failure, and return the papers without delay;

3 (11) take charge of and supervise search and rescue units and their ~~officers~~ members whenever
4 search and rescue units are called into service; and

5 (12) perform ~~such~~ other duties ~~as~~ that are required by law."

6

7 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

8

-END-

House BILL NO. 491

Wells

INTRODUCED BY

Brainard *Swang* *Tash Clark* *Jore*
Storall *Jaylon Johnson* *Benedict* *McEne* *Fuchs* *Jylux*

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- (6) command the aid of as many inhabitants of the county as are necessary in the execution of the sheriff's duties;
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Brainard *Seung* *Tasha Clark* *Jore*
Storall *Taylor* *McBun* *Benedict* *McEne* *Fuchs* *Jylke*

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- (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 detention center and the inmates ~~therein~~ in the detention center, unless the detention center is operated by a private party under an agreement entered into under 7-32-2201 or by a detention center administrator or by another local government;
- (8) endorse upon all notices and process the year, month, day, hour, and minute of ~~reception~~ receipt and issue ~~therefor~~ to the person delivering them, on payment of ~~fees~~ the required fee, a certificate showing the names of the parties, the title of the paper, and the time of ~~reception~~ receipt;
- (9) serve all process or notices in the manner prescribed by law;



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4 search and rescue units are called into service; and

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7 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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-END-

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
March 22, 1995

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration HB 491 (third reading copy -- blue), respectfully report that HB 491 be amended as follows and as so amended be concurred in.

Signed: 
Senator Bruce Crippen, Chair

That such amendments read:

1. Title, line 4.

Following: "CLARIFYING"

Strike: "THAT THE SHERIFF IS"

Following: second "THE"

Strike: "CHIEF"

2. Title, line 5.

Following: "ENFORCEMENT"

Strike: "OFFICER OF A COUNTY"

Insert: "RESPONSIBILITIES OF SHERIFFS AND CHIEFS OF POLICE"

Strike: "SECTION"

Insert: "SECTIONS"

Following: "7-32-2121"

Insert: "AND 7-32-4105"

3. Page 1, line 11.

Following: "**sheriff.**"

Strike: "The"

Insert: "Except in an incorporated city or town that maintains a municipal police force or as otherwise provided by local charter, ordinance, or resolution, the"

4. Page 2, line 6.


Insert: "**Section 2.** Section 7-32-4105, MCA, is amended to read:

"7-32-4105. Duties of chief of police. (1) The chief of police is the chief law enforcement officer within the city or town. It is the duty of the chief of police:

(a) to execute and return all process issued by the city judge or directed to ~~him~~ the chief of police by any legal authority and to attend upon the city court regularly;

(b) to arrest all persons guilty of a breach of the peace or for the violation of any city or town ordinance and bring them before the city judge for trial;

(c) to have charge and control of all policemen, subject to ~~such~~ rules as may be prescribed by ordinance, and to report to the council all delinquencies or neglect of duty or official misconduct of policemen for action of the council;


Amd. Coord.
Sec. of Senate


Senator Carrying Bill

HB 491

SENATE

(d) to perform ~~such~~ other duties as the council may prescribe.

(2) The chief of police has the same powers as a constable in the discharge of ~~his~~ duties, but ~~he must~~ the chief of police may not serve a process in any civil action or proceeding except when a city or town is a party.""

Renumber: subsequent section

-END-

1 HOUSE BILL NO. 491

2 INTRODUCED BY BRAINARD, GREEN, TASH, CLARK, JORE, WELLS, STOVALL, TAYLOR, BAER,
3 BENEDICT, MCGEE, FUCHS, TREXLER, CURTISS

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING ~~THAT THE SHERIFF IS THE CHIEF LAW~~
6 ~~ENFORCEMENT OFFICER OF A COUNTY~~ RESPONSIBILITIES OF SHERIFFS AND CHIEFS OF POLICE;
7 AMENDING SECTION SECTIONS 7-32-2121 AND 7-32-4105, MCA; AND PROVIDING AN IMMEDIATE
8 EFFECTIVE DATE."

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

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

13 **"7-32-2121. Duties of sheriff.** ~~The~~ EXCEPT IN AN INCORPORATED CITY OR TOWN THAT
14 MAINTAINS A MUNICIPAL POLICE FORCE OR AS OTHERWISE PROVIDED BY LOCAL CHARTER,
15 ORDINANCE, OR RESOLUTION, THE sheriff ~~must~~ is the chief law enforcement officer of the county and
16 in that capacity shall:

17 (1) preserve the peace;

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

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

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

24 (5) attend all courts, except municipal, justices', and city courts, at their respective terms or
25 sessions held within the county and obey their lawful orders and directions;

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

28 (7) take charge of and keep the detention center and the inmates ~~therein~~ in the detention center,
29 unless the detention center is operated by a private party under an agreement entered into under 7-32-2201
30 or by a detention center administrator or by another local government;

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 2 receipt and issue ~~therefor~~ to the person delivering them, on payment of ~~fee~~ the required fee, a certificate
 3 showing the names of the parties, the title of the paper, and the time of ~~reception~~ receipt;

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 15 by any legal authority and to attend upon the city court regularly;

16 (b) to arrest all persons guilty of a breach of the peace or for the violation of any city or town
 17 ordinance and bring them before the city judge for trial;

18 (c) to have charge and control of all policemen, subject to ~~such~~ rules as may be prescribed by
 19 ordinance, and to report to the council all delinquencies or neglect of duty or official misconduct of
 20 policemen for action of the council;

21 (d) to perform ~~such~~ other duties as the council may prescribe.

22 (2) The chief of police has the same powers as a constable in the discharge of ~~his~~ duties, but ~~he~~
 23 ~~must~~ the chief of police may not serve a process in any civil action or proceeding except when a city or
 24 town is a party."

25
 26 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

27 -END-