



AN ACT GENERALLY REVISING LAWS RELATED TO LAW ENFORCEMENT OFFICERS; ALLOWING A RESERVE OFFICER TO SERVE AS A COURT OFFICER IN A MUNICIPAL COURT; REVISING THE DEFINITION OF RESERVE OFFICER TO INCLUDE A PART-TIME, PAID MEMBER OF A LAW ENFORCEMENT AGENCY WHO SERVES AS A COURT OFFICER; REVISING LIMITATIONS ON DUTIES OR ACTIVITIES OF RESERVE OFFICERS; AMENDING SECTIONS 3-6-303, 7-32-201, AND 7-32-216, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Section 3-6-303, MCA, is amended to read:

"3-6-303. Officers of court. (1) The chief of police of the city is the executive officer of the municipal court. The chief of police shall serve all process and execute all orders of the court, either in person or by subordinate police officer, who shall execute process in the chief's name.

(2) The chief of police, with the approval of the judge, shall appoint one or more police officers or reserve officers, as defined in 7-32-201, as court officers, one of whom shall attend the sessions of the court and perform all duties in connection with the court that the judge may require."

Section 2. Section 7-32-201, MCA, is amended to read:

"7-32-201. Definitions. As used in this part, the following definitions apply:

(1) "Auxiliary officer" means an unsworn, part-time, volunteer member of a law enforcement agency who may perform but is not limited to the performance of such functions as civil defense, search and rescue, office duties, crowd and traffic control, and crime prevention activities.

(2) "Council" means the Montana public safety officer standards and training council established in 2-15-2029.

(3) "General law enforcement duties" means patrol operations performed for detection, prevention, and suppression of crime and the enforcement of criminal and traffic codes of this state and its local governments.

(4) "Law enforcement agency" means a law enforcement service provided directly by a local government.

(5) "Law enforcement officer" means a sworn, full-time, employed member of a law enforcement agency who is a peace officer, as defined in 46-1-202, and has arrest authority, as described in 46-6-210.

(6) "Reserve officer" means a sworn, part-time, volunteer member of a law enforcement agency or a part-time, paid member of a law enforcement agency serving as a court officer as provided in 3-6-303. The volunteer member or the part-time paid member ~~who~~ is a peace officer, as defined in 46-1-202, and has arrest authority, as described in 46-6-210, only when authorized to perform these functions as a representative of the law enforcement agency.

(7) "Special services officer" means an unsworn, part-time, volunteer member of a law enforcement agency who may perform functions, other than general law enforcement duties, that require specialized skills, training, and qualifications, who may be required to train with a firearm, and who may carry a firearm while on assigned duty as provided in 7-32-239."

Section 3. Section 7-32-216, MCA, is amended to read:

"7-32-216. Limitations on activities of reserve officers. (1) A reserve officer may serve as a peace officer only on the orders and at the direction of the chief law enforcement administrator of the local government.

(2) A Except for a reserve officer serving as a court officer as provided in 3-6-303, a reserve officer may act only in a supplementary capacity to the law enforcement agency.

(3) Reserve officers:

- (a) are subordinate to full-time law enforcement officers; and
- (b) may not serve unless supervised by a full-time law enforcement officer whose span of control would be considered within reasonable limits."

Section 4. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
HB 243, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2021.

President of the Senate

Signed this _____ day
of _____, 2021.

HOUSE BILL NO. 243

INTRODUCED BY M. HOPKINS

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