

HOUSE BILL NO. 581

INTRODUCED BY D. BAUM, B. EDWARDS, J. ISALY, M. LEE, S. KELLY, P. STRAND, B. CLOSE, A.

GRIFFITH, C. SPRUNGER, B. BARKER, M. THANE, D. JOY

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO OFFICERS OF THE COURT;
ALLOWING A POLICE CHIEF TO APPOINT A SPECIAL SERVICE OFFICER AS A COURT OFFICER;
REVISING THE DEFINITION OF "SPECIAL SERVICES OFFICER" TO ALLOW FOR FULL-TIME, PAID
OFFICERS; ALLOWING A COURT OFFICER TO TRANSPORT A DEFENDANT TO THE PLACE OF
DETENTION; AND AMENDING SECTIONS 3-6-303 AND 7-32-201, MCA."

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 -- definitions. (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 or full-time or part-time special service officers authorized to carry a firearm and acting under the supervision of the city police, 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. If a court remands a defendant into custody, a court officer has authority to transport the defendant to the place of detention.

(3) For the purposes of this section, "reserve officers" and "special service officers" have the same meanings as provided in 7-32-201."

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