

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, AND 7-32-239, 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

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 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, full-time or part-time, volunteer or paid 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 7-32-239, MCA, is amended to read:

**"7-32-239. Special services officers -- authorization -- role.** (1) Special services officers:

(a) are subordinate to full-time law enforcement officers;

(b) must be supervised by a law enforcement officer;

(c) shall complete specialized training and must possess specialized skills required by the chief law enforcement administrator; and

(d) may be authorized by the chief law enforcement administrator to carry a weapon while on

1 assigned duty only upon successful completion of [public safety officer standards and training council or public](#)  
2 [safety officer and training council-equivalent](#) training in the laws and procedures governing use of force and  
3 upon demonstration of proficiency with that weapon.

4 (2) A local government may authorize special services officers only on the orders and at the  
5 direction of the chief law enforcement administrator of the local government."  
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