

HOUSE BILL NO. 776

INTRODUCED BY E. DUTTON

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING JURISDICTION OF COUNTY SHERIFF DEPARTMENTS AND MUNICIPAL POLICE DEPARTMENTS ON PRIVATE ROADS."

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

NEW SECTION. Section 1. Jurisdiction of county sheriff on private roadways -- patrol requirements. (1) A county sheriff, or agents of the sheriff's department, may not be restricted from access onto a private road, or series of private roads in a private development, as part of ways of this state open to the public, as defined in 61-8-101.

(2) A county sheriff may not refuse to assign routine patrols to a private road, or series of private roads in a private development, within the county's jurisdiction by reason of the road not being a public highway, as defined in 60-1-101.

NEW SECTION. Section 2. Jurisdiction of municipal police force on private roadways -- patrol requirements. (1) A municipal police officer may not be restricted from access onto a private road, or series of private roads in a private development, as part of ways of this state open to the public, as defined in 61-8-101.

(2) A municipal police department may not refuse to assign routine patrols to a private road, or series of private roads in a private development, within the municipality's jurisdiction by reason of the road not being a public highway, as defined in 60-1-101.

NEW SECTION. Section 3. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 7, chapter 32, part 21, and the provisions of Title 7, chapter 32, part 21, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 7, chapter 32, part 41, and the provisions of Title 7, chapter 32, part 41, apply to [section 2].

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