

SENATE BILL NO. 437

INTRODUCED BY ELLIOTT

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A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING QUALIFICATIONS FOR ELECTION OR APPOINTMENT TO THE OFFICE OF SHERIFF; REQUIRING THAT A CANDIDATE HOLD A PEACE OFFICER BASIC CERTIFICATE ISSUED BY THE BOARD OF CRIME CONTROL BEFORE FILING FOR ELECTION TO THE OFFICE OF SHERIFF; AND AMENDING SECTION 7-4-2203, MCA."

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

NEW SECTION. **Section 1. Qualification for election OR APPOINTMENT to office of sheriff.** In addition to the general qualifications for county office provided in 7-4-2201, a person is not eligible for election OR APPOINTMENT to the office of sheriff unless the person holds a current peace officer basic certificate issued by the board of crime control under 7-32-303. THE PROVISIONS OF THIS SECTION DO NOT APPLY TO A PERSON WHO HOLDS THE OFFICE OF SHERIFF ON OR BEFORE [THE EFFECTIVE DATE OF THIS ACT].

Section 2. Section 7-4-2203, MCA, is amended to read:

"7-4-2203. County officers. (1) There may be elected or appointed the following county officers, who shall possess the qualifications for suffrage prescribed by the Montana constitution and other qualifications as may be prescribed by law:

- (a) one county attorney;
- (b) one clerk of the district court;
- (c) one county clerk;
- (d) one sheriff who meets the qualification requirements of [section 1] and this part;
- (e) one treasurer;
- (f) one auditor if authorized by 7-6-2401;
- (g) one county superintendent of schools;
- (h) one county surveyor;
- (i) one assessor;
- (j) one coroner;

1 (k) one public administrator; and

2 (l) at least one justice of the peace.

3 (2) The commissioners may appoint at their discretion constables. More than one constable may be
4 appointed for each justice's court.

5 (3) All elective township officers may be elected at each general election as now provided by law."
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7 NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an
8 integral part of Title 7, chapter 32, part 21, and the provisions of Title 7, chapter 32, part 21, apply to [section 1].

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