

HOUSE BILL NO. 436

INTRODUCED BY M. PHILLIPS

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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 FOR SHERIFF HOLD A PEACE OFFICER BASIC CERTIFICATE ISSUED BY THE MONTANA PUBLIC SAFETY OFFICERS STANDARDS AND TRAINING COUNCIL BEFORE FILING FOR ELECTION OR PRIOR TO APPOINTMENT; AND AMENDING SECTION 7-4-2203, MCA."

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

NEW SECTION. Section 1. Qualifications for election or appointment to office of sheriff. (1) 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 Montana public safety officers standards and training council pursuant to 7-32-303.

(2) The provisions of this section do not apply to a person who holds the office of sheriff on or before October 1, 2009.

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 qualifications 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;

- 1 (i) one assessor;
- 2 (j) one coroner;
- 3 (k) one public administrator; and
- 4 (l) at least one justice of the peace.

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

7 (3) All elective township officers may be elected at each general election as now provided by law."
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9 **NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an
10 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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