

HOUSE BILL NO. 350
INTRODUCED BY J. COHENOUR

A BILL FOR AN ACT ENTITLED: "AN ACT EXPANDING THE ABILITY OF HIGHWAY PATROL OFFICERS TO MAKE ARRESTS OF PERSONS IN THE POSSESSION OF DANGEROUS DRUGS, DRUG PARAPHERNALIA, OR PRECURSORS TO DANGEROUS DRUGS; SUBSTITUTING THE TERM "DANGEROUS DRUGS" FOR "NARCOTICS"; AND AMENDING SECTION 44-1-1001, MCA."

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

Section 1. Section 44-1-1001, MCA, is amended to read:

"44-1-1001. Offenses for which patrol officers may make arrests. (1) The highway patrol chief and all patrol officers may make arrests for the offenses listed in subsection (2) under the following circumstances:

- (a) the offense is committed in the presence of the chief or any patrol officer;
- (b) the offense is committed in a rural district and a request for assistance is made by a peace officer;

or

(c) the offense is committed in a city or town with a population of less than 2,500 and a request for assistance is made by a peace officer or the mayor of the city or town.

(2) Offenses for which arrests may be made under subsection (1) are:

- (a) deliberate homicide;
- (b) assault with a deadly weapon;
- (c) arson;
- (d) criminal mischief;
- (e) burglary;
- (f) theft;
- (g) kidnapping;
- (h) illegal transportation of narcotics or possession of dangerous drugs, as defined in 50-32-101, drug paraphernalia, as defined in 45-10-101, or precursors to dangerous drugs, as listed in 45-9-107; or
- (i) violation of the Dyer Act regarding the transportation of stolen automobiles."

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