

1 SENATE BILL NO. 363
2 INTRODUCED BY B. USHER

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4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING CORRECTIONS OFFICERS TO DETAIN
5 PERSONS ON THE PROPERTY OF ADULT OR JUVENILE STATE CORRECTIONAL FACILITIES IN
6 CERTAIN SITUATIONS; AMENDING SECTION 46-6-507, MCA; AND PROVIDING AN IMMEDIATE
7 EFFECTIVE DATE."

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

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11 **Section 1.** Section 46-6-507, MCA, is amended to read:

12 **"46-6-507. Arrest by probation and parole officer or corrections officer.** (1) A probation and
13 parole officer who, while in the course of conducting the officer's duties, has a reasonable suspicion that a
14 person is interfering or will interfere with the officer's duties or has probable cause to believe that the person is
15 committing or has committed an offense may detain the person. The probation and parole officer shall
16 immediately notify the nearest available law enforcement agency or peace officer, and the law enforcement
17 agency or peace officer shall either take the person into custody or release the person.

18 (2) A corrections officer employed by the department of corrections pursuant to 44-4-401(2)(a)
19 who, while in the course of conducting the officer's duties on the property of a state correctional facility for
20 adults or juveniles, has reasonable suspicion to believe a person is committing or has committed a violation of
21 45-6-203, 45-7-306, or 45-7-307 or is aiding or abetting an offender in violation of 45-6-203, 45-7-306, or 45-7-
22 307, may detain the person. The corrections officer shall immediately notify the nearest available law
23 enforcement agency or peace officer, and the law enforcement agency or peace officer shall either take the
24 person into custody or release the person."

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26 **NEW SECTION. Section 2. Effective date.** [This act] is effective on passage and approval.

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