

HOUSE BILL NO. 578
INTRODUCED BY J. SHOCKLEY

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING LOCAL PROBATION OFFICERS TO GIVE PRIMARY ATTENTION TO MISDEMEANOR OFFENDERS CONVICTED UNDER SECTION 61-8-401 OR 61-8-406, MCA; AND AMENDING SECTION 46-23-1005, MCA."

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

Section 1. Section 46-23-1005, MCA, is amended to read:

"46-23-1005. Misdemeanor probation offices -- officers -- costs. (1) A local government may establish a misdemeanor probation office associated with a justice's court, municipal court, or city court. The misdemeanor probation office shall monitor offenders for misdemeanor sentence compliance and restitution payments, giving primary attention to misdemeanor offenders convicted under 61-8-401 or 61-8-406. An offender is considered a fugitive under the conditions provided in 46-23-1014.

(2) A local government may appoint misdemeanor probation officers and other employees necessary to administer this section. Misdemeanor probation officers:

- (a) must have the minimum training required in 46-23-1003;
- (b) shall follow the supervision guidelines required in 46-23-1011; and
- (c) may order the arrest of an offender as provided in 46-23-1012.

(3) An offender who is convicted of the offense of partner or family member assault under 45-5-206 or of a violation of an order of protection under 45-5-626 and who is ordered to be supervised by misdemeanor probation must be ordered to pay for the cost of the misdemeanor probation. The actual cost of probation supervision over the offender's sentence must be paid by the offender unless the offender can show that the offender is unable to pay those costs. The costs of misdemeanor probation are in addition to any other fines, restitution, or counseling ordered."

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