66th Legislature SB0220.01

1	SENATE BILL NO. 220
2	INTRODUCED BY K. REGIER
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4	A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO PROBATION;
5	ALLOWING A LOCAL GOVERNMENT TO CONTRACT WITH A PRIVATE MONTANA ENTITY FOR
6	MISDEMEANOR PROBATION SERVICES; AND AMENDING SECTIONS 46-23-1001 AND 46-23-1005, MCA."
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8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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10	Section 1. Section 46-23-1001, MCA, is amended to read:
11	"46-23-1001. Definitions. As used in this part, unless the context requires otherwise, the following
12	definitions apply:
13	(1) "Absconding" means when an offender deliberately makes the offender's whereabouts unknown to
14	a probation and parole officer or fails to report for the purposes of avoiding supervision, and reasonable efforts
15	by the probation and parole officer to locate the offender have been unsuccessful.
16	(2) "Board" means the board of pardons and parole provided for in 2-15-2305.
17	(3) "Compliance violation" means a violation of the conditions of supervision that is not:
18	(a) a new criminal offense;
19	(b) possession of a firearm in violation of a condition of probation or parole;
20	(c) behavior by the offender or any person acting at the offender's direction that could be considered
21	stalking, harassing, or threatening the victim of an offense or a member of the victim's immediate family or support
22	network;
23	(d) absconding; or
24	(e) failure to enroll in or complete a required sex offender treatment program or a treatment program
25	designed to treat violent offenders.
26	(4) "Department" means the department of corrections provided for in 2-15-2301.
27	(5) "Misdemeanor probation officer" means a person who is employed by a county or municipality or who
28	is employed by a private entity that contracts with a local government to provide misdemeanor probation
29	supervision services pursuant to 46-23-1005.
30	(5)(6) "Parole" means the release to the community of a prisoner by the decision of the board prior to
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the expiration of the prisoner's term, subject to conditions imposed by the board and subject to supervision of the
department.

(6)(7) "Probation" means the release by the court without imprisonment, except as otherwise provided by law, of a defendant found guilty of a crime upon verdict or plea, subject to conditions imposed by the court and subject to the supervision of the department upon direction of the court.

(8) "Probation and parole officer" means an officer employed by the department pursuant to 46-23-1002."

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- **Section 2.** Section 46-23-1005, MCA, is amended to read:
- "46-23-1005. Misdemeanor probation offices -- misdemeanor probation 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. An offender is considered a fugitive under the conditions provided in 46-23-1014.
- (2) A local government may appoint <u>or contract with a private Montana entity for the provision of</u> 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)(a) shall follow the supervision guidelines required in 46-23-1011; and
- 18 (e)(b) 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."

25 - END -

