

ADULT PROBATION AND PAROLE OFFICERS (FELONY AND MISDEMEANOR)

LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting (5-4-105, MCA; [Chapter 309, Laws of 2017](#)). The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The legislation links below open to the page showing the status and history of bills introduced on this topic in the past. The bill text and any related fiscal notes can be accessed through the link at the top of that page.

Legislation can be complex and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.

Background Materials and Research

Topic Summary: Probation and parole officers work for the Department of Corrections and supervise adult individuals convicted of a felony offense who have been sentenced by a court to probation or individuals who are released from prison by the parole board. Probationers remain subject to the sentencing court, and parolees remain subject to the Board of Pardons and Parole. Laws related to the supervision of probationers and parolees are in [Title 46, chapter 23, part 10, MCA](#). Qualifications for probation and parole officers are contain in [section 46-23-1003, MCA](#). Officers work in field offices across the state and include officers working in a correctional facility to assist offenders who are nearing release to the community.

Department probation and parole officers do not supervise offenders who are convicted of misdemeanor charges. Those offenders are supervised by local government employees or contractors hired by the local government to perform the task.

The Judicial Branch employs juvenile probation and parole officers after a 2019 legislative change transferred supervision of juveniles from the Department of Corrections to the courts. Juvenile probation/parole is not covered in this summary.

Legislative Services Division Materials:

Other Materials:

[Montana Probation and Parole Caseload Study](#) -- Department of Corrections, Dec. 2019

[Probation and Parole Division website](#)

[Probation and Parole Division report](#) to the Section D Subcommittee, January 2021

“Where Does the Time Go? An Examination of Adult Probation/Parole Officer Workload in Montana,” UM

researcher, P&P Division staff, CSG Justice Center: copy not available online but contact Rachel Weiss, Legislative Services Division, at 406-444-5367 for an emailed or printed version.

Introduced Legislation

2021

[Senate Bill No. 353](#) -- Died in Standing Committee -- AN ACT REVISING LAWS RELATED TO PROBATIONERS AND PAROLEES; PROVIDING THAT PROBATION AND PAROLE OFFICERS INFORM AND DOCUMENT EACH RESTORATION OF RIGHTS THAT OCCURS AT DIFFERENT TIMES FOLLOWING CONVICTION FOR A FELONY OFFENSE; AND AMENDING SECTIONS 46-23-1011 AND 46-23-1021, MCA.

2019

[House Bill No. 463](#) -- Chapter Number Assigned -- AN ACT GENERALLY REVISING LAWS RELATED TO SUPERVISION OF PROBATIONERS AND DEFENDANTS SERVING A DEFERRED OR SUSPENDED SENTENCE; REVISING PROCEDURES RELATED TO TERMINATION OF A DEFERRED OR SUSPENDED SENTENCE; REVISING PROCEDURES RELATED TO GRANTING CONDITIONAL DISCHARGE TO A PROBATIONER; AMENDING SECTIONS 46-18-208 AND 46-23-1011, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[Senate Bill No. 181](#) -- (S) Died in Standing Committee -- AN ACT REQUIRING PROBATION AND PAROLE OFFICERS TO INFORM A PROBATIONER OR A PAROLEE THAT THE INDIVIDUAL'S RIGHT TO VOTE IS RESTORED AFTER THE INDIVIDUAL IS RELEASED FROM A PENAL INSTITUTION; REQUIRING THE OFFICER TO DOCUMENT THAT THE REQUIREMENT IS COMPLETE; AND AMENDING SECTIONS 46-23-1011 AND 46-23-1021, MCA.

[Senate Bill No. 220](#) -- Chapter Number Assigned -- AN ACT GENERALLY REVISING LAWS RELATED TO PROBATION; CLARIFYING THAT A LOCAL GOVERNMENT HAS THE AUTHORITY TO CONTRACT WITH A PRIVATE MONTANA ENTITY FOR MISDEMEANOR PROBATION SERVICES; PROVIDING THAT ONLY PUBLICLY EMPLOYED PROBATION OFFICERS MAY MAKE ARRESTS; AND AMENDING SECTIONS 46-23-1001 AND 46-23-1005, MCA.

[Senate Bill No 348](#) -- (S) Died in Standing Committee -- AN ACT GENERALLY REVISING LAWS RELATING TO PROBATION AND PRETRIAL SERVICES; PROVIDING THAT MISDEMEANOR PROBATION OFFICERS AND PRETRIAL SERVICES OFFICERS ARE PUBLIC SAFETY OFFICERS FOR THE PURPOSES OF CERTAIN STANDARDS SET BY THE MONTANA PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL; REQUIRING THE COUNCIL TO ADOPT STANDARDS FOR MISDEMEANOR PROBATION OFFICERS AND PRETRIAL SERVICES OFFICERS; REVISING EDUCATION AND ONGOING TRAINING REQUIREMENTS FOR MISDEMEANOR PROBATION OFFICERS AND PRETRIAL SERVICES OFFICERS; PROVIDING FOR OFFICER TRAINING; PROVIDING FOR PAYMENT OF TRAINING COSTS AND A TRAINING FEE; AND AMENDING SECTIONS 44-4-401 AND 46-23-1003, MCA.

2017

[Senate Bill No. 60](#) -- Chapter Number Assigned -- AN ACT GENERALLY REVISING CRIMINAL JUSTICE LAWS; REVISING PRESENTENCE INVESTIGATION LAWS; REQUIRING A PRELIMINARY OR FINAL REPORT TO BE PROVIDED TO THE COURT WITHIN 30 DAYS; REQUIRING A PROBATION AND PAROLE OFFICER TO USE A VALIDATED RISK AND NEEDS ASSESSMENT AS PART OF THE INVESTIGATION AND REPORT; ALLOWING THE DEPARTMENT OF CORRECTIONS TO USE EMPLOYEES WITH SPECIFIC TRAINING TO PREPARE PRESENTENCE REPORTS; REQUIRING THE DEPARTMENT TO PROVIDE INITIAL AND ONGOING TRAINING TO PROBATION AND PAROLE OFFICERS; REQUIRING THE DEPARTMENT TO USE AND REGULARLY VALIDATE ITS RISK ASSESSMENT TOOL; AND AMENDING SECTIONS 46-18-111, 46-18-112, 46-23-1004, AND 53-1-203, MCA.

[Senate Bill No. 63](#) -- Chapter Number Assigned -- AN ACT REVISING LAWS RELATED TO SUPERVISION OF PROBATIONERS AND OF DEFENDANTS SERVING A DEFERRED OR SUSPENDED SENTENCE; REVISING THE PROCESS TO REVOKE A DEFERRED OR SUSPENDED SENTENCE FOR VIOLATIONS OF CONDITIONS; ALLOWING A PROBATION AND PAROLE OFFICER TO FILE A PETITION TO TERMINATE THE TIME REMAINING ON A DEFERRED OR SUSPENDED SENTENCE; CREATING A DEADLINE AFTER WHICH THE DEFERRED OR SUSPENDED SENTENCE IS TERMINATED; CREATING A SCHEDULE FOR CONDITIONAL DISCHARGE RECOMMENDATIONS FOR PROBATIONERS; REVISING PROCEDURES FOR AN INFORMAL PROBATION VIOLATION HEARING; REQUIRING THE DEPARTMENT OF CORRECTIONS TO IMPLEMENT AN INCENTIVES AND INTERVENTIONS GRID; REQUIRING THE DEPARTMENT TO PROVIDE TRAINING RELATED TO THE INCENTIVES AND INTERVENTIONS GRID; PROVIDING DEFINITIONS; AMENDING SECTIONS 46-18-203, 46-18-208, 46-23-1011, 46-23-1015, AND 53-1-203, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

2015

[House Bill No. 141](#) -- (S) Died in Standing Committee -- A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A COURT'S APPROVAL OF A PROBATION OFFICER RECOMMENDATION TO ALLOW A FELONY DUI OFFENDER TO OPERATE A MOTOR VEHICLE WHILE ON PROBATION; AMENDING SECTIONS 61-5-208 AND 61-8-731, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

2013

[House Bill No. 211](#) -- (H) Died in Standing Committee -- AN ACT ALLOWING PROBATION AND PAROLE OFFICERS TO CARRY TASERS; AND AMENDING SECTION 46-23-1002, MCA.

2011

None

2009

None

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