

Official Bond of Chief Probation Officer, Cost of. Chief Probation Officer, Cost of Official Bond of. County Officer, Cost of Official Bond Proper Charge Against County. County, Cost of Official Bond Proper Charge Against.

A chief probation officer is a public officer of a county and his bond is regarded as "an official bond." Under the provisions of Sec. 3, Chapter 6, Laws 1911, any county officer may furnish an official bond signed by a surety company as surety and in such case the premium due therefor is a proper charge against the general fund of the county.

March 11th, 1913.

Hon. Gerald Young,
County Attorney,
Thompson Falls, Montana.

Dear Sir:

I beg to acknowledge receipt of your favor under date of the 6th inst., requesting my opinion upon the following question:

"When a chief probation officer is appointed by the district judge in a county less than 4,000 population, under Chap. 122, Session Laws 1911, page 327, and when this probation officer must perform the duties enumerated on page 328 of said act, then does it become the duty of the county commissioners to pay the premium on said probation officer's bond given by a surety company according to the provisions of Sec. 3, Chap. 6, Session Laws 1911?"

The statute at all times speaks of the chief probation officer as "an officer." (Laws 1911, p. 321, 326, 327, 337.) He is required to keep certain records of the district court (Laws 1911, p. 321) and is required to be in attendance upon the juvenile court. (Laws 1911, pp. 321, 328). The statute fixes his compensation and makes it a charge upon the county. In certain respects he is clothed "with the powers and authority of sheriffs." (Laws 1911, p. 328). He may serve warrants and other process of the court. (Laws 1911, p. 328.) In counties of less than forty thousand inhabitants, the chief probation officer is required to furnish a bond in the sum of two thousand dollars for the faithful performance of his duties. (Laws 1911, p. 337).

I am of the opinion that the chief probation officer is a public officer of the county and that the bond which he is required to furnish is to be regarded as "an official bond." Under the provisions of Sec. 3, Chap. 6, Laws of 1911, to which you make reference in your letter, any county officer may furnish an official bond signed by a surety company as surety and in such case the premium due to the surety company therefor is made a proper charge against the general fund of the county.

You are therefore advised that in my opinion it is the duty of the county commissioners to pay the premium due to the surety company upon the bond of the chief probation officer.

Very truly yours,

D. M. KELLY,
Attorney General.