

1 House BILL NO. 218
 2 INTRODUCED BY Menahan-Mussault

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
 5 10-1234, R.C.M. 1947, TO INCREASE THE SALARY OF PROBATION
 6 OFFICERS."

7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 10-1234, R.C.M. 1947, is amended to
 10 read as follows:

11 "10-1234. Probation officers -- powers -- duties --
 12 qualifications. (1) The youth division judge of each
 13 judicial district shall appoint such necessary probation
 14 officers as are required to carry out the purpose and intent
 15 of this act. He shall appoint such part-time probation
 16 officers as shall be required. The qualifications for
 17 part-time probation officers shall approximate those
 18 required for probation officers in so far as possible. A
 19 chief probation officer shall be appointed by the judge to
 20 supervise the youth division offices in the judicial
 21 district. The judge shall also insure that the youth
 22 division offices are staffed with necessary office personnel
 23 and that the offices are properly equipped to effectively
 24 carry out the purpose and intent of this act. No person
 25 while serving as a law enforcement officer shall be

1 appointed or perform the duties of a full-time or part-time
 2 probation officer.

3 (2) Any person appointed as a chief probation officer
 4 must have the following qualifications:

5 (a) a master's degree in the behavioral sciences or;

6 (b) a bachelor's degree from an accredited college or
 7 university in the behavioral sciences, and at least one (1)
 8 year's experience in work of a nature related to the duties
 9 of a probation officer as set forth in subsection (4) of
 10 this section; or

11 (c) a bachelor's degree in any field and at least three
 12 (3) years' experience in work related to the duties of a
 13 probation officer as set forth in subsection (4) of this
 14 section.

15 (d) The judge may appoint any reputable person as a
 16 probation officer who has had experience in work of a nature
 17 related to the duties of a chief probation officer;
 18 provided, preference shall be given to persons with the
 19 qualifications set forth in subsection (2) above.

20 (4) A probation officer shall:

21 (a) perform the duties set out in section 10-1210;

22 (b) make predisposition studies and submit reports and
 23 recommendations to the court;

24 (c) supervise, assist and counsel youth placed on
 25 probation or under his supervision;

1 (d) perform any other functions designated by the
2 court.

3 (5) A probation officer shall have no power to make
4 arrests or to perform any other law enforcement functions in
5 carrying out his duties except that a probation officer may
6 take into custody any youth who violates either his
7 probation or a lawful order of the court.

8 (6) A chief probation officer shall receive for his
9 services a sum specified by the court--upon--appointment;
10 however, the judge may employ him on a yearly salary, not to
11 exceed--eleven--thousand--dollars--(\$11,000)--or--on--a--per--diem
12 basis--at--the--rate--of--forty--dollars--(\$40)--per--day--for--the
13 time--actually--and--necessarily--employed--in--performing--the
14 duties--of--the--office be less than twelve thousand five
15 hundred dollars (\$12,500). The salary of such officer shall
16 be apportioned among and paid by each of the counties in
17 which such officer is appointed to act, in proportion to the
18 assessed valuation of such counties for the same year,
19 except where such officer is appointed for one (1) county
20 whereby such county shall pay the entire salary.

21 The judge having jurisdiction of juvenile matters may
22 also appoint such additional persons giving preference to
23 persons having the qualifications suggested for appointment
24 as the chief probation officer to serve as deputy probation
25 officers as the judge deems necessary; their salaries to be

1 fixed by the judge-at-the-time-of-appointment, provided that
2 such salaries shall not exceed ninety percent (90%) of the
3 salary of the chief probation officer.

4 For all necessary travel incident to his official
5 duties in connection with the investigation, supervision,
6 and transportation of youth, the probation officer shall, in
7 addition to his office salary, be reimbursed for actual
8 expenses incurred."

-End-

Approved by Committee
on Judiciary

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appointed or perform the duties of a full-time or part-time probation officer.

(2) Any person appointed as a chief probation officer must have the following qualifications:

(a) a master's degree in the behavioral sciences or;

(b) a bachelor's degree from an accredited college or university in the behavioral sciences, and at least one (1) year's experience in work of a nature related to the duties of a probation officer as set forth in subsection (4) of this section; or

(c) a bachelor's degree in any field and at least three (3) years' experience in work related to the duties of a probation officer as set forth in subsection (4) of this section.

(d) The judge may appoint any reputable person as a probation officer who has had experience in work of a nature related to the duties of a chief probation officer; provided, preference shall be given to persons with the qualifications set forth in subsection (2) above.

(4) A probation officer shall:

(a) perform the duties set out in section 10-1210;

(b) make predisposition studies and submit reports and recommendations to the court;

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1 (d) perform any other functions designated by the
2 court.

3 (5) A probation officer shall have no power to make
4 arrests or to perform any other law enforcement functions in
5 carrying out his duties except that a probation officer may
6 take into custody any youth who violates either his
7 probation or a lawful order of the court.

8 (6) A chief probation officer shall receive for his
9 services a sum specified by the court ~~upon appointment;~~
10 however, the judge may employ him on a yearly salary, not to
11 ~~exceed eleven thousand dollars (\$11,000) or on a per diem~~
12 ~~basis at the rate of forty dollars (\$40) per day for the~~
13 ~~time actually and necessarily employed in performing the~~
14 ~~duties of the office~~ be less than twelve thousand five
15 hundred dollars (\$12,500) NOR MORE THAN SIXTEEN THOUSAND
16 DOLLARS (\$16,000) DEPENDING ON THE FORMAL TRAINING AND
17 EXPERIENCE OF EACH RESPECTIVE OFFICER. The salary of such
18 officer shall be apportioned among and paid by each of the
19 counties in which such officer is appointed to act, in
20 proportion to the assessed valuation of such counties for
21 the same year, except where such officer is appointed for
22 one (1) county whereby such county shall pay the entire
23 salary.

24 The judge having jurisdiction of juvenile matters may
25 also appoint such additional persons giving preference to

1 persons having the qualifications suggested for appointment
2 as the chief probation officer to serve as deputy probation
3 officers as the judge deems necessary; their salaries to be
4 fixed by the judge ~~at the time of appointment,~~ provided that
5 such salaries shall not exceed ninety percent (90%) of the
6 salary of the chief probation officer.

7 For all necessary travel incident to his official
8 duties in connection with the investigation, supervision,
9 and transportation of youth, the probation officer shall, in
10 addition to his office salary, be reimbursed for actual
11 expenses incurred."

12 SECTION 2. THERE IS A NEW R.C.M. SECTION THAT READS AS
13 FOLLOWS:

14 Notwithstanding the provisions of section 34 of CHAPTER
15 329 OF the session laws of Montana of 1974, it is the intent
16 of the legislature that the maximum salary for youth court
17 probation officers from July 1, 1974, until the effective
18 date of this act be governed by section 1 of chapter 241 of
19 the session laws of 1974 providing for a maximum annual
20 salary of twelve thousand five hundred dollars (\$12,500) per
21 annum or forty-five dollars (\$45) per diem. Youth court
22 probation officers shall not be required to repay amounts in
23 excess of ~~these limits,~~ THE LIMIT SET BY CHAPTER 329
24 received as compensation for services rendered during that
25 period IF THE AMOUNT WAS LESS THAN THE LIMIT SET BY CHAPTER

HB 0218/03

1 241.

-End-

March 18, 1975

Corrected
3/19/75

SENATE COMMITTEE ON JUDICIARY
AMENDMENTS TO HOUSE BILL NO. 218

That House Bill No. 218, third reading, be amended as follows:

1. Amend page 3, section 1, line 15.

Following: "(\$12,500)"

Insert: "nor more than sixteen thousand dollars (\$16,000) depending on the formal training and experience of each respective officer"

2. Amend page 4, section 1, line 8.

Following: line 8

Insert: "Section 2. There is a new R.C.M. section that reads as follows:

Notwithstanding the provisions of section 34 of the session laws of Montana of 1974, it is the intent of the legislature that the maximum salary for youth court probation officers from July 1, 1974, until the effective date of this act be governed by section 1 of chapter 241 of the session laws of 1974 providing for a maximum annual salary of twelve thousand five hundred dollars (\$12,500) per annum or forty-five dollars (\$45) per diem. Youth court probation officers shall not be required to repay amounts in excess of these limits, received as compensation for services rendered during that period."

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