

1 House BILL NO. 347
 2 INTRODUCED BY Menahan Merrault
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
 5 10-1234, R.C.M. 1947, RELATING TO THE APPOINTMENT,
 6 QUALIFICATIONS, AND SALARIES OF PROBATION OFFICERS, AND
 7 PROVIDING FOR THE DESIGNATION OF FIRST AND SECOND CLASS
 8 DISTRICTS."
 9

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

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

13 "10-1234. Probation officers -- powers -- duties --
 14 qualifications -- districts. (1) The youth division judge of
 15 each judicial district shall appoint such necessary
 16 probation officers as are required to carry out the purpose
 17 and intent of this act. He shall appoint such part-time
 18 probation officers as shall be required. The qualifications
 19 for part-time probation officers shall approximate those
 20 required for probation officers insofar as possible. A chief
 21 probation officer shall be appointed by the judge to
 22 supervise the youth division offices in the judicial
 23 district. The judge shall also insure that the youth
 24 division offices are staffed with necessary office personnel
 25 and that the offices are properly equipped to effectively

1 carry out the purpose and intent of this act. No person
 2 while serving as a law enforcement officer shall be
 3 appointed or perform the duties of a full-time or part-time
 4 probation officer.

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

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

8 (b) a bachelor's degree from an accredited college or
 9 university in the behavioral sciences, and at least one (1)

10 year's experience in work of a nature related to the duties
 11 of a probation officer as set forth in subsection (4) of
 12 this section; or

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

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

22 (4) A probation officer shall:

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

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

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

3 (d) perform any other functions designated by the
4 court.

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

10 (6) A chief probation officer shall receive for his
11 services a sum specified by the court. ~~upon--appointment;~~
12 ~~however, the judge may employ him on a yearly salary, not to~~
13 ~~exceed eleven thousand dollars (\$11,000) or on a per diem~~
14 ~~basis at the rate of forty dollars (\$40) per day for the~~
15 ~~time actually and necessarily employed in performing the~~
16 ~~duties of the office~~ Judicial districts with a population
17 of over forty thousand (40,000) shall be designated as first
18 class districts, and salaries shall not exceed sixteen
19 thousand dollars (\$16,000) for chief probation officers;
20 fifteen thousand dollars (\$15,000) for chief deputy
21 probation officers; and fourteen thousand dollars (\$14,000)
22 for deputy probation officers. All other districts shall be
23 designated as second class districts, and salaries shall not
24 exceed fifteen thousand dollars (\$15,000) for chief
25 probation officers; and fourteen thousand dollars (\$14,000)

1 for deputy probation officers. The salary of such officer
2 shall be apportioned among and paid by each of the counties
3 in which such officer is appointed to act, in proportion to
4 the assessed valuation of such counties for the same year,
5 except where such officer is appointed for one (1) county
6 whereby such county shall pay the entire salary.

7 The judge having jurisdiction of juvenile matters may
8 also appoint such additional persons giving preference to
9 persons having the qualifications suggested for appointment
10 as the chief probation officer to serve as deputy probation
11 officers as the judge deems necessary, ~~and their salaries to be~~
12 ~~fixed by the judge at the time of appointment, provided that~~
13 ~~such salaries shall not exceed ninety percent (90%) of the~~
14 ~~salary of the chief probation officer~~ In first class
15 districts the judge may designate one (1) deputy probation
16 officer as the chief deputy probation officer. The salaries
17 of chief deputy and deputy probation officers shall be fixed
18 by the judge, providing that the salary of the chief deputy
19 probation officer shall not exceed ninety-five percent (95%)
20 of the chief probation officer's salary, and the salaries of
21 deputy probation officers shall not exceed ninety percent
22 (90%) of the chief probation officer's salary, to the
23 maximum limits set forth above.

24 For all necessary travel incident to his official
25 duties in connection with the investigation, supervision,

1 and transportation of youth, the probation officer shall, in
2 addition to his office salary, be reimbursed for actual
3 expenses incurred plus sixteen cents (\$.16) per mile."

-End-

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