



**PROBATION AND PAROLE BUREAU
STANDARD OPERATING PROCEDURES**

Procedure No.: P&P 60-14	Subject: REQUEST FOR ADDING OR MODIFYING CONDITIONS OF PROBATION
Chapter 60: SIGN-UP PROCEDURES/SUPERVISION STANDARDS	Page 1 of 2
Signature: /s/ <i>Mary Fay</i>	Revision Date:
	Effective Date: 10/22/01

I. BUREAU DIRECTIVE: Probation and Parole Bureau will follow established procedures when recommending to the court the modification or addition of any condition of probation or the suspension of a sentence.

II. AUTHORITY:
46-23-1011, M.C.A. Supervision on Probation

III. DEFINITIONS:
None.

IV. PROCEDURES:

Probation and Parole Officers may recommend and a Judge may modify or add any condition of probation or suspension of a sentence at any time. The officer is required to provide the County Attorney in the sentencing jurisdiction with a report that identifies the conditions of probation the officer is requesting that the Judge modify or add. The Probation and Parole Officer shall provide a report that includes the recommendation(s) and reason(s) why the officer believes the Judge should modify or add probation conditions.

P&P Officers may request the County Attorney and the Court amend the conditions of probation supervision when there may no longer be a need for originally ordered special conditions or there is a reason the officer wants to add or amend special conditions.

The County Attorney may file a petition requesting the court modify or add conditions as requested by the officer. The court may grant the petition if the probationer does not object. If the probationer objects to the petition, the court must hold a hearing pursuant to the provisions of 46-18-203, MCA. The judge may add or modify conditions without first establishing that the probationer has violated probation

VICTIM RESTITUTION: If the officer wants to recommend a change in the restitution schedule, the county attorney must schedule a hearing and notify the victim.

To change restitution you must show "the circumstances upon which the court based the imposition of restitution, amount of the victim's pecuniary loss, or method or time of payment no longer exist or that it otherwise would be unjust to require payment as imposed...."

Procedure No.: P&P 60-14	Chapter: SIGN-UP PROCEDURES/SUPERVISION STANDARDS	Page 2 of 2
Subject: REQUEST FOR ADDING OR MODIFYING CONDITIONS OF PROBATION		

The probationer shall sign new Rules and Conditions when the court orders the probationer to modified, added or special conditions under per 46-23-1011, MCA.

PROCEDURE:

1. When there is a need to modify or add to a probationer's conditions due to improved or deteriorating response to supervision, a Request to Amend Conditions of Probation Supervision form, P&P 60-14 (A), is completed and submitted to the County Attorney. The offender will be notified by being provided the form that includes the added or modified conditions being requested and the Officers reasons for making the request.
2. Officer reviews P&P 60-14 (A) with the offender and advises the offender he/she can seek counsel before signing the document.
3. Seeks counsel or signs form agreeing or disagreeing to the added or modified conditions.
4. A petition to amend conditions is filed or not filed.
5. If the Probationer objects to the court granting the petition the probationer is entitled to a hearing before the court and has a right to counsel. When the offender objects to the added or modified conditions by indicating his/her objection on the form, he/she will be advised of right to counsel at the hearing.
6. Court amends or modifies the conditions.
7. New Rules and Conditions are signed. (P&P and/or ISP)

RESPONSIBILITY:

- P&P Officer and
Regional Administrator
or PO II
- P&P Officer
Offender
- Offender
- County Attorney
- Probationer
County Attorney
Judge
- Judge
- P&P Officer
Probationer

V. CLOSING: Questions concerning this procedure shall be directed to the Regional Administrator.

Form

P&P 60-14 (A) Request to Amend Conditions of Probation Supervision