



STATE OF MONTANA  
DEPARTMENT OF CORRECTIONS  
POLICY DIRECTIVE

Policy No. DOC 4.5.35	Subject: <b>CHEMICAL TREATMENT OF SEX OFFENDERS</b>
Chapter 4: FACILITY/PROGRAM SERVICES	Page 1 of 3
Section 5: Health Care	Effective Date: April 1, 1999
Department Director Signature: /s/ Brian Gootkin	Revised: 4/19/2021
Medical Director Signature: /s/ Dr. Paul Rees	
Clinical Services Division Administrator Signature: /s/ Connie Winner	

**I. POLICY**

The Department of Corrections complies with Montana law that authorizes district courts to order certain offenders to undergo chemical treatment and permits certain offenders to undergo such treatment voluntarily.

**II. APPLICABILITY**

Adult sex offenders in Department and contracted secure care facilities and under community corrections supervision.

**III. DEFINITIONS**

**Administrator** – The official, regardless of local title (administrator, warden, superintendent), ultimately responsible for the facility or program operation and management.

**Chemical Treatment** – Medically safe medroxyprogesterone acetate treatment or its chemical equivalent or other medically safe drug treatment that reduces sexual fantasies, sex drive or both, as provided in *Mont. Code Ann. § 45-5-512*.

**IV. DEPARTMENT DIRECTIVES**

**A. Court Ordered Treatment**

1. Each administrator will establish procedures to:
  - a. identify which offenders are ordered by a district court to undergo chemical treatment pursuant to *Mont. Code Ann. § 45-5-512*; and
  - b. include the treatment order in the offender’s main program file.
2. Appropriate staff will implement the necessary procedures during the offender’s discharge process as follows:
  - a. arrange for the offender to undergo a complete medical examination prior to discharge and before undergoing chemical treatment;
  - b. fully informs the offender of the medical risks and benefits of chemical treatment prior to undergoing the treatment;
  - c. arrange for the appropriate staff to administer the initial treatment regimen at an appropriate time prior to the offender’s discharge;
  - d. ensure that the discharge plan requires the offender to continue chemical treatment in the community;

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- e. make the necessary arrangements for the offender's treatment to continue in the community;
  - f. notify the county attorney of the sentencing county and the Board of Pardons and Parole if:
    - 1) an offender refuses to undergo chemical treatment ordered by the court; or
    - 2) medical staff determine the medication is inappropriate for the offender or a doctor will not prescribe it.
3. The administration of court ordered chemical treatment will be at the expense of the Department until the date of the offender's complete discharge of sentence, including discharge from community supervision.
  4. The offender's probation or parole plan must include the name of the medical provider who will provide continued care. The probation and parole officer must monitor compliance and notify the appropriate entities if the offender is noncompliant with treatment.

**B. Voluntary Treatment**

1. Each administrator must establish procedures to accommodate sex offenders who want to voluntarily undergo chemical treatment.
2. Offenders who are eligible for voluntary treatment are offenders convicted of a first or subsequent offense under *Mont. Code Ann. §§ 45-5-502, -503 or -507*.
3. Offenders who undergo treatment must be actively participating in a sex offender treatment program or be under the care of mental health clinical services.
4. The procedures will include an offender must have a medical examination in preparation for the treatment.
5. The administrator must ensure that the offender is fully informed of the medical risks and benefits of undergoing the chemical treatment.
6. The Department medical director must approve the voluntary chemical treatment, the start date, and treatment plan.
7. The administration of voluntary chemical treatment will be at the expense of the Department until the date of the offender's complete discharge of sentence, including discharge from community supervision.

**C. Health Care Providers**

1. Health care providers employed by the Department may not be compelled against their wishes to administer chemical treatment to offenders.

**V. CLOSING**

Questions concerning this policy should be directed to the Clinical Services Division Administrator.

**VI. REFERENCES**

- A. *53-1-203, MCA (2009) Powers and Duties of Department of Corrections; 45-5-502, MCA (2009) Sexual Assault; 45-5-503, MCA (2009) Sexual Intercourse without Consent; 45-5-507, MCA (2009) Incest; 45-5-512, MCA; 53-1-203, MCA (2009) Chemical Treatment of Sex Offenders*

**VII. ATTACHMENTS**

None