

BEFORE THE DEPARTMENT OF CORRECTIONS  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 20.7.1101 concerning ) PROPOSED AMENDMENT  
conditions on probation or parole )

TO: All Concerned Persons

1. On August 23, 2024, at 10:00 a.m., the Department of Corrections will hold a public hearing via remote conferencing to consider the proposed amendment of the above-stated rule. Interested parties may access the remote conferencing platform in the following ways:

(a) Join via Microsoft Teams (<https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting>):

Meeting ID: 214 384 864 359  
Passcode: HDCCoJ

(b) Telephone: (406) 318-5487  
Passcode: 941 470 904#

(c) Join on a video conferencing device:

Tenant key: 291818717@t.plcm.vc  
Video ID: 112 850 167 1

2. The Department of Corrections will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Corrections no later than August 7, 2024, to advise us of the nature of the accommodation that you need. Please contact Pamela Lamme, Department of Corrections, 5 South Last Chance Gulch, Helena, Montana, 59601; telephone (406) 444-9819; or e-mail [Pamela.Lamme@mt.gov](mailto:Pamela.Lamme@mt.gov).

3. The rule proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

20.7.1101 CONDITIONS ON PROBATION OR PAROLE (1) The offender is under the supervision of the department, subject to all rules and regulations of adult probation and parole, including any sanctions.

(2) The offender must obtain prior approval from his/her supervising officer before taking up residence in any location. The offender shall not change his/her place of residence without first obtaining written permission from his/her supervising officer or the officer's designee. The offender must make the residence open and available to an officer for a home visit or for a search upon reasonable suspicion.

The offender will not own dangerous or vicious animals and will not use any device that would hinder an officer from visiting or searching the residence.

~~(2)~~ (3) The offender must obtain permission from his/her supervising officer or the officer's designee before leaving his/her assigned district. For any in-state travel, the offender must confer with their supervising officer about the travel permit policy.

~~(3)~~ ~~The offender must seek and maintain employment or maintain a program approved by the Board of Pardons and Parole or the supervising officer. Unless otherwise directed by his/her supervising officer, the offender must inform his/her employer and any other person or entity, as determined by the supervising officer, of his/her status on probation, parole, or other community supervision.~~

~~(4)~~ ~~Unless otherwise directed, the offender must submit written monthly reports to his/her supervising officer on forms provided by the probation and parole bureau. The offender must personally contact his/her supervising officer or designee when directed by the officer.~~

~~(5)~~ The offender is prohibited from using, owning, possessing, transferring, or controlling any firearm, ammunition (including black powder), weapon, or chemical agent such as oleoresin capsicum or pepper spray.

~~(6)~~ ~~The offender must obtain permission from his/her supervising officer before engaging in a business, purchasing real property, purchasing an automobile, or incurring a debt.~~

~~(7)~~ (6) Upon reasonable suspicion that the offender has violated the conditions of supervision, a probation and parole officer may search the person, vehicle, and residence of the offender, and the offender must submit to such search. A probation and parole officer may authorize a law enforcement agency to conduct a search, provided the probation and parole officer determines reasonable suspicion exists that the offender has violated the conditions of supervision.

~~(8)~~ ~~The offender must comply with all municipal, county, state, and federal laws and ordinances and shall conduct himself/herself as a good citizen. The offender is required, within 72 hours, to report any arrest or contact with law enforcement to his/her supervising officer or designee. The offender must be cooperative and truthful in all communications and dealings with any probation and parole officer and with any law enforcement agency.~~

~~(9)~~ ~~The offender is prohibited from using or possessing alcoholic beverages and illegal drugs. The offender is required to submit to bodily fluid testing for drugs or alcohol on a random or routine basis and without reasonable suspicion.~~

~~(10)~~ ~~The offender is prohibited from gambling.~~

~~(11)~~ ~~The offender shall pay all fines, fees, and restitution ordered by the sentencing court.~~

(7) The offender must notify his/her supervising officer within 72 hours whenever the offender has a change in circumstances of employment or alternative approved programming, or any contact with law enforcement.

~~(12)~~ (8) The Montana Board of Pardons and Parole and the sentencing court have the authority to order the offender to abide by additional conditions and such conditions must be contained in the judgment or parole decision.

AUTH: 2-4-201, 46-23-1011, 53-1-203, MCA

IMP: 46-23-1011, 46-23-1021, MCA

REASON: This rule has not been updated since 2008, and the department identified it as requiring revision. The department's collaborative review process determined that a number of these standard conditions were either outdated or were not necessary as standard conditions. Nothing in this proposed rule or the proposed eliminated provisions precludes the department from recommending case-specific conditions not contained in this rule. In addition, nothing in this proposed rule or proposed eliminated provisions impedes a court or the Board of Pardons and Parole from imposing conditions of supervision.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Pamela Lammey, Department of Corrections, 5 South Last Chance Gulch, Helena, Montana, 59601; telephone (406) 444-3930; or e-mail Pamela.Lammey@mt.gov, and must be received no later than 5:00 p.m., August 26, 2024.

5. The legal unit of the department has been designated to preside over and conduct this hearing.

6. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Written requests may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department.

7. An electronic copy of this proposal notice is available through the Secretary of State's website at [rules.mt.gov](http://rules.mt.gov).

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Andres Haladay  
Andres Haladay  
Rule Reviewer

/s/ Brian Gootkin  
Brian Gootkin  
Director  
Department of Corrections

Certified to the Secretary of State July 16, 2024.