



**PROBATION AND PAROLE BUREAU  
STANDARD OPERATING PROCEDURES**

Procedure No.: P&P 150-5	Subject: <b>HOME ARREST</b>
Chapter 150: COMMUNITY CORRECTIONAL PROGRAM	Page 1 of 3
Signature: /s/ Mary Fay	Revision Date: 10/08/01
	Effective Date: 06/01/00

**I. BUREAU DIRECTIVE:** Probation and Parole Bureau employees will follow established guidelines for implementation of the Home Arrest Statute.

**II. AUTHORITY:**

46-18-210 (e), M.C.A.

*Sentencing which may be imposed*

46-18-1001 through 46-18-1006, M.C.A.

*Home Arrest*

**III. DEFINITIONS:**

**Home** means the temporary or permanent residence of an offender consisting of actual living area **approved** by the supervising authority.

**Home Arrest** means the use of the person's home for purposes of **confinement**.

**Monitoring Device** means an electronic device that has the ability to record and transmit information concerning the offender's presence in or absence from the home. The device must be minimally intrusive.

**Supervising Authority** means, in the case of an adult felon, the Department of Corrections; in the case of an adult misdemeanor, a court approved entity other than corrections; or in the case of a juvenile, the Juvenile Probation Officer or entity appointed by the court.

**Violent felony offense** means deliberate homicide, mitigated deliberate homicide, negligent vehicular homicide, kidnapping, aggravated kidnapping, robbery, sexual intercourse without consent, sexual abuse of children, arson, aggravated burglary, escape, any attempt of these crimes or conviction as a persistent felony offender.

**IV. PROCEDURES:**

1. The court is petitioned to consider allowing the offender to serve all or a portion of their sentence of imprisonment in the county jail or state prison under conditions of home arrest.
2. Study records of the petitioner for home arrest and the offender's criminal record is reviewed and **may** be referred to the appropriate supervising authority for approval and acceptance into the home arrest program.

**RESPONSIBILITY:**

Offender and/or  
legal representative

Sentencing Judge

**PROCEDURE:**

**RESPONSIBILITY:**

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3. The referral from the sentencing judge is accepted or rejected. Probation & Parole Officer
  4. If accepted, a written agreement is prepared with the court, setting forth conditions of home arrest. Conditions may include but are not limited to the following: Offender and/or legal Representative
    - a.) Confined to home at all times except when working at approved employment or traveling to and from employment, or seeking employment.
    - b.) Undergoing an approved medical or counseling program,
    - c.) Attending an approved educational institution or program,
    - d.) Attending religious services at place of worship,
    - e.) Participating in an approved community service program,
    - f.) An approved schedule setting forth the times and locations of the offender,
    - g.) Maintaining a phone or other approved monitoring device in the home or on the offender's person at all times.
- NOTE:** The offender is responsible for paying all costs associated with participation in this program.
5. Home Arrest Program is accepted or rejected. If accepted, conditions of agreement written by program must include: Probation & Parole Officer
    - a.) Credentials of the Home Arrest Program
    - b.) Specific procedure the monitoring company will follow to immediately report any violation to the Probation & Parole Officer and/or law enforcement agent, in the event the Probation & Parole Officer is not available.
  6. Order and agreement is transmitted to the supervising authority and jail or prison official. The court order provides for arresting authority and violation procedure. Sentencing Judge
  7. Prepare a notarized consent agreement by every adult sharing the offender's home to be filed with the court. Offender and/or legal representative
  8. Offender is supervised. Probation & Parole Officer

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**PROCEDURE:**

9. Report any and all violations to the Probation & Parole Officer.
10. The Probation and Parole Officer will provide all local law enforcement agencies with a list of offenders under home arrest in their jurisdiction monthly. The list must include:
  - a.) Offender's address
  - b.) Offense
  - c.) Date of expiration of home arrest
  - d.) Name, address and phone number of supervising agent.
11. The offender will pay all costs of program.

**RESPONSIBILITY:**

- Home Monitoring Program
- Probation & Parole Officer
- Offender

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