



**PROBATION AND PAROLE BUREAU
STANDARD OPERATING PROCEDURES**

Procedure No.: P&P 60-7	Subject: RESTITUTION, SUPERVISION FEES AND OTHER FINES & FEES	
Reference: P&P 10-1; 45-9-202, MCA; 46-18-112, MCA; 46-18-201, MCA; 46-18-203, MCA; 46-18-231 through 237; MCA; 46-18-241, MCA; 46-18-244 through 247, MCA; 46-18-251, MCA; 46-18-261, MCA; 46-23-1031, MCA	Page 1 of 4	
Effective Date: 06/01/00	Revision Dates: 10/05/01; 06/17/02; 3/1/05; 02/15/06; 03/01/13	
Signature / Title: /s/ Ron Alsbury, Probation & Parole Bureau Chief		

I. BUREAU DIRECTIVE:

Probation & Parole Bureau employees will follow established procedures for the collection of victim restitution, supervisory fees, and other fines and fees from offenders supervised by the Bureau.

II. DEFINITION:

Department/DOC – The Montana Department of Corrections.

OMIS-Offender Management Information System – The Department’s electronic data collection and reporting system.

Supervision Fee – A fee assessed to each offender under the supervision of the Probation & Parole Bureau pursuant to §46-23-1031, MCA, for the basic costs of supervision and as a means of holding the offender accountable.

Victim – The person against whom a felony crime has been committed, or a family member of that person. Other individuals may be recognized as victims on a case-by-case basis.

III. PROCEDURES:

The sentencing courts will be requested to order victim restitution, supervision fees, and other fines and fees pursuant to Montana statutes. Probation & Parole (P&P) Officers will actively pursue and monitor the payment of the amounts owed by offenders as determined by court judgments.

A. Victim Restitution:

Assisting victims of crime by collecting restitution from offenders is a goal of the P&P Bureau. §46-18-241, MCA, Condition of restitution, states “The duty to pay full restitution under the sentence remains with the offender or the offender’s estate until full restitution is paid. If the offender is under state supervision, payment of restitution is a condition of any probation or parole.”

If an offender is not making a good faith effort to pay victim restitution on a regular basis and has income, wages may be garnished, income tax refunds may be withheld, and/or *P&P 100-1(A) Report of Violation* may be filed with the Court.

B. Supervision Fees:

1. Offenders residing in the state of Montana are required to pay a supervision fee in the amount of \$120 to \$360 per year. Increases in supervision fees are retroactive, except when court orders specify an amount.
 - Standard Offenders: The supervision fee assessed to standard offenders (those not on ISP) is \$21/month. This includes offenders on conditional release status.
 - Felony Drug Offense Conviction: Offenders may be assessed a fee of no less than \$50/month if they are convicted of a felony drug offense and are placed on an ISP in lieu of imprisonment under §45-9-202, MCA.
 - ISP-Intensive Supervision Program Offenders: Offenders placed on ISP are charged \$25/month supervision fees unless they are a person convicted of a dangerous drug felony offense and placed on ISP in lieu of prison.
 - ISP Sanction Offenders: Offenders placed on ISP as part of a hearing sanction will be assessed \$21/month for supervision fees.
 - Satellite-based Monitoring: Offenders under continuous satellite-based monitoring shall pay a monthly fee for the actual monthly cost of equipment and services. The total amount of the fee may not exceed \$4000/year.
2. Offenders who are placed out of state will pay supervision fees to the state providing supervision.
3. Funds collected from supervision fees are generally used for safety equipment, training, or other needs for the P&P Bureau, per *P&P 20-3 Expenditure of Supervision Fees*.

C. Court-Ordered Fines and Fees:

At the time of sentencing, District Courts will impose fines and fees as established by Montana statutes. The Court may grant permission for payment to be made within a specified period of time or in specified installments.

D. PROCEDURE:

RESPONSIBILITY:

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| <ol style="list-style-type: none"> 1. Court judgment is reviewed for restitution, fees and fine amounts and offender payment timelines. If possible, victim is contacted. | P&P Officer |
| <ol style="list-style-type: none"> 2. During initial sign-up: <ol style="list-style-type: none"> a. Offender is informed of his/her monetary obligations as ordered and directed by the court and placed on payment schedule. He/she is advised of the importance of demonstrating a good faith effort to make full and timely payments and of the possible consequences for failing to pay as directed by the court and P&P Bureau. b. Offender is provided a copy of <i>P&P 60-7(A) Supervision Fees-Offender Rights & Responsibilities</i> for review, which outlines responsibilities and waiver procedures. c. The monetary obligation amounts are indicated on <i>P&P 60-1 (E&F) Conditions of Probation and Parole</i>. | <p>P&P Officer</p> <p>P&P Officer</p> <p>P&P Officer</p> |

- d. Offender signs *P&P 60-1(H) Wage Garnishment Statement*.
Original is forwarded to the Department's Collection Unit and a copy is placed in the offender's field file. The Department will not move to garnish wages unless the offender fails to pay restitution. (See #10 below.) Offender
P&P Officer
- e. Offender is advised of the following: P&P Officer
 - i. Restitution payments and supervision fees are paid to the DOC Collection Unit, P.O. Box 201350, Helena, MT 59620. All payments must be made with either a money order or cashier's check, and offender will list his/her name, District Court Judgment Number (ex. DC-01-45), and County of Sentence on money order/check. One money order or cashier's check may be submitted for payment; however, the offender must specify how much money is to go to restitution and how much to supervision fees. If the offender fails to do so, the entire amount will be applied to restitution.
 - ii. Court-ordered fines and fees are paid to the Clerk of Court in the sentencing jurisdiction.
- 3. P&P Officers will not collect cash from offenders, and collecting money orders or cashier's checks is not advisable. In the event a money order/check is collected, Officer will make a photocopy of the money order/check, place copy in offender's field file, and immediately deliver/mail the money order/check to the DOC Collection Unit or the Clerk of the District Court. P&P Officer
- 4. Current restitution and supervision fee information is available in offender's OMIS record. Discuss, pursue and monitor the collection of victim restitution, fees and fines at least monthly with offender. P&P Officer

Status of offender payments is recorded in OMIS Chronological History and *P&P 60-2(A) Financial Obligations Compliance Form* may be used for the tracking of these payments.
- a. If requested by Officer, offender will bring in receipt verifying payments are on schedule. A copy of the receipt will be placed in the offender's case file. Offender
- b. The court, RA or designee will be notified of supervision fee overpayments, and refunds will be requested when appropriate. P&P Officer
- 5. At the time of reassessment, or on at least a quarterly basis, check the status of offender payments and balances due with the Clerk of District Court or county office responsible for payment records on fines and fees. P&P Officer
- 6. Changes in the supervision fee paid monthly or annually will be made using form *P&P 60-7(C) Supervision Fee Modifications*, and offender will sign the form. Original will be placed in the offender's file with a copy provided to the offender and the Collection Unit. P&P Officer
Offender

Procedure No.: 60-7	Section : Sign-Up Procedures & Supervision Standards	Page 4 of 4
Subject: RESTITUTION, SUPERVISION FEES AND OTHER FINES AND FEES		

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| 7. For those offenders determined to be unable to pay supervision fees due to significant financial hardship, the fee may be reduced or waived. | P&P Officer
Offender |
| <i>P&P 60-7(B) Supervision Fee Waiver Request</i> will be filed with the court for probationers, the BOPP for parolees, or the RA for interstate and conditional release offenders. If a reduction in, or waiver of, supervision fees is granted, the P&P Officer will forward a signed copy of the <i>Waiver Request</i> to the Collection Unit. Any failure to pay supervision fees without securing a hardship waiver is a violation of state law. | P&P Officer |
| 8. If offender has income, but has failed to maintain restitution payments in a timely fashion, the Collection Unit may be contacted to look at wage garnishment options and/or attachment of tax refunds. | P&P Officer |
| a. Provide offender's name, social security number, case cause number and employer name and address to the Collection Unit. (Signed <i>P&P 60-1(H) Wage Garnishment Statement</i> should have been filed with Collection Unit at sign-up.) | P&P Officer |
| b. The Collection Unit will do the necessary paperwork and notifications to arrange to have a wage garnishment and/or tax refund attachment implemented. | DOC Collection Unit |
| 9. Instances of non-compliance or of an offender failing to make a good-faith effort to pay restitution will be referred to the RA for resolution and may result in an intervention hearing and/or revocation. | P&P Officer |
| 10. If restitution will not be paid in full prior to an offender's discharge from supervision, P&P Officer submits <i>P&P 100-1(A) Report of Violation</i> to the County Attorney giving adequate time for filing a Petition to Revoke prior to the offender's discharge. | P&P Officer
County Attorney |
| 11. The offender's obligation to pay full victim restitution remains until paid. | Offender |

IV. CLOSING:

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

Forms

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| P&P 60-7 (A) | Supervision Fees-Offender Rights & Responsibilities - OMIS |
| P&P 60-7 (B) | Supervision Fee Waiver Request |
| P&P 60-7 (C) | Supervision Fee Modifications |
| P&P 60-1 (E&F) | Conditions of Probation & Parole - OMIS |
| P&P 60-1 (H) | Wage Garnishment Statement - OMIS |
| P&P 60-2 (A) | Financial Obligations Compliance Form |
| P&P 100-1 (A) | Report of Violation |