

TITLE 1: GOVERNMENT
DIVISION 3: JUDICIAL BRANCH

§ 3234. Powers and Duties.

The OAPS shall have the authority and responsibility to:

(a) Create and file a complete record of each person who has been placed on probation or received a suspended sentence from the court including those referred by the court for supervision, investigation and pre-trial services.

(b) Exercise general supervision over all persons on probation or who are under suspended sentences including those referred by the court for supervision, investigation and pre-trial services.

(c) Serve warrants of arrest, make arrests and bring persons before the court who are under suspended sentences or are on probation. Under these circumstances, such officers shall have the authority similar to that of peace officers in the performance of their duties. Such authority shall include, but not be limited to, the right to carry a firearm in the performance of such officers' official duties.

(d) Investigate and report to the court on probation cases referred to the OAPS by the court. When conducting an investigation pursuant to an order given by the court, the adult probation officer shall promptly inquire into the circumstances of the offense, the convicted person's history of delinquency or criminality, social history, employment history, family situation, economic status, education, personal habits, as well as the physical, emotional and financial impact of the offense on the immediate family of the victim. The adult probation officer shall notify the office of the victim advocate, the victim, and the immediate family of the victim of the right to appear personally or by counsel at sentencing or at other aggravation or mitigation proceedings.

(e) Secure and keep a complete identification record of every person released on probation or under a suspended sentence and maintain a written statement of the conditions of the suspension or probation of such persons.

(f) Obtain and assemble information concerning the conduct of persons placed on probation or under suspended sentence and report the information to the court.

(g) Bring defaulting probationers into court when, he or she believes with proper cause that the conduct of the probationer justifies the court to revoke suspensions of the sentence.

(h) Have such other powers and duties as are necessary to implement the provisions of this article, as deemed appropriate by the judiciary.

Source: PL 11-46, § 4.