

9585.0020 PROBATION OFFICER RESPONSIBILITIES.

Subpart 1. **Screening of certain offenders for compulsive gambling; appointment for gambling assessment based on score.** When a person is convicted of a felony listed in Minnesota Statutes, section 609.115, subdivision 9, paragraph (a), the probation officer shall administer the South Oaks Gambling Screen to the offender to determine whether compulsive gambling may have contributed to the commission of the offense. If the offender scores five or more on the South Oaks Gambling Screen, the probation officer shall make an appointment for the offender to receive a gambling assessment. Except as provided in subpart 2, if the offender scores less than five on the South Oaks Gambling Screen, no appointment shall be made for a compulsive gambling assessment.

Subp. 2. **Information indicating offender may be a compulsive gambler; appointment for gambling assessment required.** If, in the course of preparing the presentence investigation report, the probation officer obtains information that indicates the offender may be a compulsive gambler, the probation officer shall make an appointment for the offender to receive a gambling assessment regardless of the score received on the South Oaks Gambling Screen.

Subp. 3. **Report when an appointment is not made.** When no appointment is made for a gambling assessment under subpart 1 or 2, the probation officer shall indicate in the presentence report that there is no evidence that compulsive gambling contributed to the commission of the offense.

Subp. 4. **Appointment with gambling assessor from department list; preference given to independent gambling assessors.** An appointment for a gambling assessment under subpart 1 or 2 must be made with a gambling assessor from a list prepared by the department. When there are independent gambling assessors available within 50 miles of the home of an offender who is released pending sentencing, or within 50 miles of the correctional facility in which the offender is held pending sentencing, and the independent gambling assessors can complete the gambling assessment within 21 calendar days, the appointment must be made with an independent gambling assessor. If there are no independent gambling assessors available within 50 miles of the home of an offender who is released pending sentencing, or within 50 miles of the correctional facility in which the offender is held pending sentencing, or the independent gambling assessors cannot complete the gambling assessment within 21 calendar days, the probation officer may schedule an appointment with a gambling assessor who has a direct or shared financial interest or referral relationship resulting in shared financial gain with a treatment provider.

Subp. 5. **Gambling assessment report; recommended level of treatment.** When an appointment is made for a gambling assessment under subpart 1 or 2, the presentence report must contain the results of the compulsive gambling assessment and, if treatment is recommended, the recommended level of treatment.

Subp. 6. **South Oaks Gambling Screen training.** Before a probation officer may administer the South Oaks Gambling Screen to an offender, the probation officer must be trained in its use by the department or the Department of Corrections.

Statutory Authority: *MS s 245.98*

History: *17 SR 2779*

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