

**58-50-2 Definitions.**

In addition to the definitions in Section 58-1-102, as used in this chapter:

- (1) "Board" means the Private Probation Provider Licensing Board created in Section 58-50-3.
- (2) "Court" means the particular court which orders probation in a case.
- (3) "Private probation" means the preparation of presentence investigation reports and the performance of supervision services by a private probation provider and funded by a court-ordered fee, to be paid by the defendant, pursuant to Section 77-18-1.
- (4)
  - (a) "Private probation provider" means any private individual preparing presentence investigation reports or providing probation supervision pursuant to court order under Section 77-18-1 and who is licensed under this chapter, and whose services are limited to minor offenses and misdemeanor violations.
  - (b) A private probation provider does not have the authority of a peace officer.
- (5) "Unprofessional conduct" as defined in Section 58-1-501 and as may be further defined by rule includes:
  - (a) failure to disclose any financial or personal interest or prior relationship with parties that affects the private probation provider's impartiality or otherwise constitutes a conflict of interest;
  - (b) providing contract probation services when any financial or personal interest or prior relationship with parties affects the private probation provider's impartiality or otherwise constitutes an actual conflict of interest;
  - (c) failure to clearly define to the offender the services provided by the private probation provider, the rules of conduct, the criteria used, and the fees charged;
  - (d) failure to provide adequate supervision, or supervision as ordered by the court, as determined by the division in collaboration with the board; and
  - (e) failure to comply with the standards specified in Section 58-50-9.

Amended by Chapter 196, 2006 General Session