

PRIVATE PROBATION PROVIDER

AMENDMENT

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lorie D. Fowlke

Senate Sponsor: David L. Thomas

LONG TITLE

General Description:

This bill modifies the Private Probation Provider Licensing Act regarding unprofessional conduct.

Highlighted Provisions:

This bill:

- ▶ amends the definition of professional conduct for private probation providers regarding interests that may affect impartiality or constitute a conflict of interest to provide that the conflict of interest must be an actual conflict of interest.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-50-2, as last amended by Chapter 297, Laws of Utah 1993

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **58-50-2** is amended to read:

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

30 58-50-3.

31 (2) "Court" means the particular court which orders probation in a case.

32 (3) "Private probation" means the preparation of presentence investigation reports and
33 the performance of supervision services by a private probation provider and funded by a
34 court-ordered fee, to be paid by the defendant, pursuant to Section 77-18-1.

35 (4) (a) "Private probation provider" means any private individual preparing presentence
36 investigation reports or providing probation supervision pursuant to court order under Section
37 77-18-1 and who is licensed under this chapter, ~~[provided that]~~ and whose services are limited
38 to minor offenses and misdemeanor violations.

39 (b) A private probation provider does not have the authority of a peace officer.

40 (5) "Unprofessional conduct" as defined in Section 58-1-501 and as may be further
41 defined by rule includes:

42 (a) failure to disclose any financial or personal interest or prior relationship with parties
43 that ~~[might affect]~~ affects the private probation provider's impartiality or otherwise ~~[constitute]~~
44 constitutes a conflict of interest;

45 (b) providing contract probation services when any financial or personal interest or
46 prior relationship with parties ~~[might affect]~~ affects the private probation provider's impartiality
47 or otherwise ~~[constitute a]~~ constitutes an actual conflict of interest;

48 (c) failure to clearly define to the offender the services provided by the private
49 probation provider, the rules of conduct, the criteria used, and the fees charged;

50 (d) failure to provide adequate supervision, or supervision as ordered by the court, as
51 determined by the division in collaboration with the board; and

52 (e) failure to comply with the standards specified in Section 58-50-9.