

Private Probation and Court Ordered Services Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jen Plumb

House Sponsor: Anthony E. Loubet

LONG TITLE

General Description:

This bill modifies the Private Probation Provider Licensing Act.

Highlighted Provisions:

This bill:

- modifies a defined term;
clarifies that a human services program generally may not provide both:
private probation services; and
other compensated services;
provides enforcement; and
makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-50-9, as last amended by Laws of Utah 2023, Chapter 257

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

Section 1. Section 58-50-9 is amended to read:

58-50-9 . Standards of conduct for private probation providers -- Contracts --

Reports.

(1) As used in this section, ["licensee" means the same as that term is defined in Section 26B-2-101] "human services program" means the same as that term is defined in Section

28 26B-2-101.

29 (2) The private probation provider:

30 (a) shall maintain impartiality toward all parties;

31 (b) shall ensure that all parties understand the nature of the process, the procedure, the  
32 particular role of the private probation provider, and the parties' relationship to the  
33 private probation provider;

34 (c)(i) shall maintain confidentiality [~~or, in cases where confidentiality is not~~  
35 ~~protected, the private probation provider shall so advise the parties~~]; or

36 (ii) if the law does not protect confidentiality, shall advise the parties that  
37 confidentiality is not protected;

38 ~~[(d) shall:]~~

39 ~~[(i) disclose any circumstance that may create or give the appearance of a conflict of~~  
40 ~~interest and any circumstance that may reasonably raise a question as to the~~  
41 ~~private probation provider's impartiality; and]~~

42 ~~[(ii) if the contract probation supervisor perceives or believes a conflict of interest to~~  
43 ~~exist, the contract probation supervisor shall refrain from entering into those~~  
44 ~~probation services;]~~

45 (d)(i) shall disclose any circumstance that may create or give the appearance of a  
46 conflict of interest and any circumstance that may reasonably raise a question as  
47 to the private probation provider's impartiality; and

48 (ii) if the contract probation provider believes a conflict of interest may exist, shall  
49 refrain from providing into those probation services;

50 (e) shall adhere to the standards regarding private probation services [~~adopted by~~]the  
51 licensing board adopts;

52 ~~[(f) shall:]~~

53 ~~[(i) comply with orders of court and perform services as directed by judges in~~  
54 ~~individual cases; and]~~

55 ~~[(ii) notify the court that the private probation provider is providing supervision~~  
56 ~~services to a defendant;]~~

57 (f)(i) shall comply with the orders of a court with jurisdiction; and

58 (ii) shall notify the court that the private probation provider is providing supervision  
59 services to a defendant;

60 (g) shall perform duties [~~established under~~] in accordance with Section 77-18-105, as [  
61 ordered by the court] a court with jurisdiction orders;

- 62 (h) ~~[beginning July 1, 2022, may not provide private probation in a county where an~~  
63 ~~agency of local government provides probation services unless the private probation~~  
64 ~~provider has entered into a contract with the agency of local government]~~ shall  
65 provide private probation in a county where an agency of local government provides  
66 probation services only if the private probation provider has entered into a contract  
67 with the agency of local government;
- 68 (i) shall provide a report each month to each county sheriff where the private probation  
69 provider provides private probation identifying:
- 70 (i) each individual ~~[currently supervised in the county by-]~~ in the county that the  
71 private probation provider currently supervises;
- 72 (ii) the crimes each supervised individual ~~[supervised-]~~ committed;
- 73 (iii) the level of supervision that ~~[is being provided for each individual]~~ the private  
74 probation provider provides for each supervised individual; and
- 75 (iv) any other information related to the provision of private probation that:
- 76 (A) [-]the county sheriff determines is relevant; and
- 77 (B) complies with the Health Insurance Portability and Accountability Act, 42  
78 U.S.C. Sec. 1320d et seq.[-and]
- 79 (j) may not solicit defendants as supervision clients on any property that operates as a  
80 court of justice as described in Section 78A-1-101[-] ; and
- 81 (k) may not simultaneously provide to a defendant private probation services and other  
82 services for which the private probation provider receives compensation from a  
83 human services program.
- 84 (3) If, after conducting a screening of a defendant's risk and needs, a private probation  
85 provider determines that a defendant requires a specific assessment, treatment, or other  
86 services, the private probation provider shall:
- 87 (a) provide the defendant a list of ~~[all available licensees]~~ each available human services  
88 program that [provide] provides the assessment, treatment, or other services; and
- 89 (b) permit the defendant to select a ~~[licensee described in]~~ human services program in  
90 accordance with Subsection (3)(a) with which to complete the required assessment,  
91 treatment, or other services.
- 92 (4)(a) Except as provided in Subsection (4)(b), ~~[a private probation provider that is a~~  
93 ~~licensee may not simultaneously provide to a defendant private probation services~~  
94 ~~and other services for which the private probation provider receives compensation]~~ a  
95 human services program may not simultaneously provide to a defendant private

- 96            probation services and other services for which the human services program receives  
97            compensation, including:
- 98            (i) mental health therapy services;
  - 99            (ii) education services; or
  - 100           (iii) rehabilitation services.
- 101           (b) ~~[A private probation provider that is a licensee may simultaneously provide]~~ A  
102           human services program may simultaneously provide to a defendant private  
103           probation services and other services as described in Subsection (4)(a) if:
- 104           (i) ~~no other [licensees that provide the services are located]~~ human services program  
105           that provides the services is located within 50 miles of the defendant's residence;  
106           and
  - 107           (ii) the private probation provider obtains the defendant's written informed consent.
- 108           (c) The written informed consent described in Subsection (4)(b) shall include:
- 109           (i) ~~[a description of the services other than private probation services]~~ a separate  
110           paragraph describing what services beyond private probation services that the  
111           private probation provider [will] may provide;
  - 112           (ii) a separate paragraph describing how the defendant can withdraw consent;
  - 113           (iii) a separate paragraph describing grievance procedures, including how to contact  
114           and file a complaint with the division's investigation office; and
  - 115           (iv) a separate paragraph informing the defendant of the potential conflict of interest.
- 116           (d) The division shall revoke the license of a private probation provider who violates  
117           Subsection (4)(a).
- 118           (5) A contract described in Subsection (2)(h) shall include a description of the fees the  
119           private probation provider will charge a defendant who ~~[is supervised by]~~ the private  
120           probation provider supervises.
- 121           Section 2. **Effective Date.**
- 122           This bill takes effect on May 6, 2026.