

Private Probation and Court Ordered Services Amendments

STATE OF UTAH

Chief Sponsor: Jen Plumb

House Sponsor:

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 26B-2-101.
- (2) The private probation provider:
 - (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.

81 (3) If, after conducting a screening of a defendant's risk and needs, a private probation
82 provider determines that a defendant requires a specific assessment, treatment, or other
83 services, the private probation provider shall:

84 (a) provide the defendant a list of [all available licensees] each available human services
85 program that [provide] provides the assessment, treatment, or other services; and
86 (b) permit the defendant to select a [licensee described in] human services program in
87 accordance with Subsection (3)(a) with which to complete the required assessment,
88 treatment, or other services.

89 (4)(a) Except as provided in Subsection (4)(b), [a private probation provider that is a
90 licensee may not simultaneously provide to a defendant private probation services
91 and other services for which the private probation provider receives compensation] a
92 human services program may not simultaneously provide to a defendant private
93 probation services and other services for which the human services program receives
94 compensation, including:

95 (i) mental health therapy services;
96 (ii) education services; or
97 (iii) rehabilitation services.

98 (b) [A private probation provider that is a licensee may simultaneously provide] A

99 human services program may simultaneously provide to a defendant private
100 probation services and other services as described in Subsection (4)(a) if:
101 (i) no other [licensees that provide the services are located] human services program
102 that provides the services is located within 50 miles of the defendant's residence;
103 and
104 (ii) the private probation provider obtains the defendant's written informed consent.
105 (c) The written informed consent described in Subsection (4)(b) shall include:
106 (i) [a description of the services other than private probation services] a separate
107 paragraph describing what services beyond private probation services that the
108 private probation provider [will] may provide;
109 (ii) a separate paragraph describing how the defendant can withdraw consent;
110 (iii) a separate paragraph describing grievance procedures, including how to contact
111 and file a complaint with the division's investigation office; and
112 (iv) a separate paragraph informing the defendant of the potential conflict of interest.
113 (d) The division shall revoke the license of a private probation provider who violates
114 Subsection (4)(a).
115 (5) A contract described in Subsection (2)(h) shall include a description of the fees the
116 private probation provider will charge a defendant who [is supervised by] the private
117 probation provider supervises.

118 **Section 2. Effective Date.**

119 This bill takes effect on May 6, 2026.