

**Private Probation and Court Ordered Services Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jen Plumb**

House Sponsor:

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**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

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*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;

- (b) shall ensure that all parties understand the nature of the process, the procedure, the particular role of the private probation provider, and the parties' relationship to the private probation provider;
- (c)(i) ~~shall maintain confidentiality~~~~[-or, in cases where confidentiality is not protected, the private probation provider shall so advise the parties] ; or~~  
(ii) if the law does not protect confidentiality, shall advise the parties that confidentiality is not protected;
- ~~[(d) shall:]~~
- ~~[(i) disclose any circumstance that may create or give the appearance of a conflict of interest and any circumstance that may reasonably raise a question as to the private probation provider's impartiality; and]~~
- ~~[(ii) if the contract probation supervisor perceives or believes a conflict of interest to exist, the contract probation supervisor shall refrain from entering into those probation services;]~~
- (d)(i) shall disclose any circumstance that may create or give the appearance of a conflict of interest and any circumstance that may reasonably raise a question as to the private probation provider's impartiality; and  
(ii) if the contract probation provider believes a conflict of interest may exist, shall refrain from providing into those probation services;
- (e) shall adhere to the standards regarding private probation services ~~[adopted by]~~the licensing board adopts;
- ~~[(f) shall:]~~
- ~~[(i) comply with orders of court and perform services as directed by judges in individual cases; and]~~
- ~~[(ii) notify the court that the private probation provider is providing supervision services to a defendant;]~~
- (f)(i) shall comply with the orders of a court with jurisdiction; and  
(ii) shall notify the court that the private probation provider is providing supervision services to a defendant;
- (g) shall perform duties ~~[established under]~~ in accordance with Section 77-18-105, as ~~[ordered by the court]~~ a court with jurisdiction orders;
- (h) ~~[beginning July 1, 2022, may not provide private probation in a county where an agency of local government provides probation services unless the private probation provider has entered into a contract with the agency of local government]~~ shall

provide private probation in a county where an agency of local government provides probation services only if the private probation provider has entered into a contract with the agency of local government;

(i) shall provide a report each month to each county sheriff where the private probation provider provides private probation identifying:

(i) each individual [~~currently supervised in the county by~~] in the county that the private probation provider currently supervises;

(ii) the crimes each supervised individual [~~supervised~~] committed;

(iii) the level of supervision that [~~is being provided for each individual~~] the private probation provider provides for each supervised individual; and

(iv) any other information related to the provision of private probation that:

(A) [-]the county sheriff determines is relevant; and

(B) complies with the Health Insurance Portability and Accountability Act, 42 U.S.C. Sec. 1320d et seq.; and

(j) may not solicit defendants as supervision clients on any property that operates as a court of justice as described in Section 78A-1-101.

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

(a) provide the defendant a list of [~~all available licensees~~] each available human services program that [provide] provides the assessment, treatment, or other services; and

(b) permit the defendant to select a [~~licensee described in~~] human services program in accordance with Subsection (3)(a) with which to complete the required assessment, treatment, or other services.

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

(i) mental health therapy services;

(ii) education services; or

(iii) rehabilitation services.

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

human services program may simultaneously provide to a defendant private probation services and other services as described in Subsection (4)(a) if:

(i) ~~no other [licensees that provide the services are located]~~ human services program that provides the services is located within 50 miles of the defendant's residence; and

(ii) the private probation provider obtains the defendant's written informed consent.

(c) The written informed consent described in Subsection (4)(b) shall include:

(i) ~~[a description of the services other than private probation services]~~ a separate paragraph describing what services beyond private probation services that the private probation provider [will] may provide;

(ii) a separate paragraph describing how the defendant can withdraw consent;

(iii) a separate paragraph describing grievance procedures, including how to contact and file a complaint with the division's investigation office; and

(iv) a separate paragraph informing the defendant of the potential conflict of interest.

(d) The division shall revoke the license of a private probation provider who violates Subsection (4)(a).

(5) A contract described in Subsection (2)(h) shall include a description of the fees the private probation provider will charge a defendant who ~~[is supervised by]~~ the private probation provider supervises.

## Section 2. **Effective Date.**

This bill takes effect on May 6, 2026.