

1 **PRIVATE PROBATION PROVIDER**

2 **AMENDMENT**

3 2006 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Lorie D. Fowlke**

6 Senate Sponsor: David L. Thomas

7

8 **LONG TITLE**

9 **General Description:**

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

12 **Highlighted Provisions:**

13 This bill:

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

17 **Monies Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **58-50-2**, as last amended by Chapter 297, Laws of Utah 1993

24

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

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

27 **58-50-2. Definitions.**



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

29 (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 ~~H→ [might affect] affects ←H~~ the private probation provider's impartiality or otherwise
43a constitute a conflict
44 of interest;

45 (b) providing contract probation services when any financial or personal interest or
46 prior relationship with parties ~~H→ [might affect] affects ←H~~ the private probation provider's
46a impartiality or
47 otherwise constitute [a] 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.

Legislative Review Note

as of 12-6-05 11:04 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0306

Private Probation Provider Amendment

30-Jan-06

11:40 AM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst