

House Bill 884

By: Representatives Butler of the 18th, Barnard of the 166th, Greene of the 149th, and Stephens of the 164th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to
2 probation, so as to provide for probation services for persons convicted of misdemeanors
3 provided by local governments or private corporations, enterprises, and entities; to provide
4 standards for agreements regarding probation services provided by counties, municipalities,
5 or consolidated governments; to provide standards for probation officers employed by
6 counties, municipalities, or consolidated governments; to provide for definitions; to provide
7 for rules and regulations; to change provisions relating to criminal record checks of probation
8 officers; to provide for exceptions; to provide for reports; to prohibit certain activities by
9 probation officers, probation employees, and other employees of counties, municipalities,
10 and consolidated governments; to provide for confidentiality of certain records; to provide
11 for registration; to remove a requirement for general liability insurance for private
12 corporations, enterprises, and entities providing probation services; to provide for related
13 matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

16 Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to probation, is
17 amended by striking Article 6, relating to agreements for probation services, and inserting
18 in lieu thereof the following:

19 "ARTICLE 6

20 42-8-100.

21 (a) As used in this article, the term:

22 (1) 'Council' means the County and Municipal Probation Advisory Council created under
23 Code Section 42-8-101.

1 (2) 'Private probation officer' means a probation officer employed by a private
 2 corporation, private enterprise, private agency, or other private entity that provides
 3 probation services.

4 (3) 'Probation officer' means a person employed to supervise defendants placed on
 5 probation by a county or municipal court for committing an ordinance violation or
 6 misdemeanor.

7 (b) Any county or municipal court which has original jurisdiction of ordinance violations
 8 or misdemeanors and in which the defendant in such a case has been found guilty upon
 9 verdict or any plea ~~or has been sentenced upon a plea of nolo contendere~~, may, at a time
 10 to be determined by the court, hear and determine the question of the probation of such
 11 defendant.

12 ~~(b)~~(c) If it appears to the court upon a hearing of the matter that the defendant is not likely
 13 to engage in an unlawful course of conduct and that the ends of justice and the welfare of
 14 society do not require that the defendant shall presently suffer the penalty imposed by law,
 15 the court in its discretion shall impose sentence upon the defendant but may stay and
 16 suspend the execution of the sentence or any portion thereof or may place him or her on
 17 probation under the supervision and control of a probation ~~supervisor~~ officer for the
 18 duration of such probation, subject to the provisions of this Code section. The period of
 19 probation or suspension shall not exceed the maximum sentence of confinement which
 20 could be imposed on the defendant.

21 ~~(c)~~(d) The court may, in its discretion, require the payment of a fine or costs, or both, as
 22 a condition precedent to probation.

23 ~~(d)~~(e) The sentencing judge shall not lose jurisdiction over any person placed on probation
 24 during the term of his or her probated sentence. The judge is empowered to revoke any or
 25 all of the probated sentence, rescind any or all of the sentence, or, in any manner deemed
 26 advisable by the judge, modify or change the probated sentence at any time during the
 27 period of time originally prescribed for the probated sentence to run.

28 ~~(e)~~(f) If a defendant is placed on probation pursuant to this Code section by a county or
 29 municipal court other than one for the county or municipality in which he or she resides for
 30 committing any ordinance violation or misdemeanor, such defendant may, when
 31 specifically ordered by the court, have his or her probation supervision transferred to the
 32 county or municipality in which he or she resides.

33 ~~(f)~~(1)(g)(1) The chief judge of any court within the county, with the approval of the
 34 governing authority of that county, is authorized to enter into written contracts with
 35 corporations, enterprises, or agencies to provide probation supervision, counseling,
 36 collection services for all moneys to be paid by a defendant according to the terms of the
 37 sentence imposed on the defendant as well as any moneys which by operation of law are

1 to be paid by the defendant in consequence of the conviction, and other probation
2 services for persons convicted in that court and placed on probation in the county. In no
3 case shall a private probation corporation or enterprise be charged with the responsibility
4 for supervising a felony sentence. The final contract negotiated by the chief judge with
5 the private probation entity shall be attached to the approval by the governing authority
6 of the county to privatize probation services as an exhibit thereto. The termination of a
7 contract for probation services as provided for in this subsection entered into on or after
8 July 1, 2001, shall be initiated by the chief judge of the court which entered into the
9 contract, and subject to approval by the governing authority of the county which entered
10 into the contract and in accordance with the agreed upon, written provisions of such
11 contract. The termination of a contract for probation services as provided for in this
12 subsection in existence on July 1, 2001, and which contains no provisions relating to
13 termination of such contract shall be initiated by the chief judge of the court which
14 entered into the contract, and subject to approval by the governing authority of the county
15 which entered into the contract and in accordance with the agreed upon, written
16 provisions of such contract.

17 (2) The chief judge of any court within the county, with the approval of the governing
18 authority of that county, is authorized to establish a county probation system to provide
19 probation supervision, counseling, collection services for all moneys to be paid by a
20 defendant according to the terms of the sentence imposed on the defendant as well as any
21 moneys which by operation of law are to be paid by the defendant in consequence of the
22 conviction, and other probation services for persons convicted in that court and placed
23 on probation in the county.

24 ~~(g)~~~~(f)~~(h)(1) The judge of the municipal court of any municipality or consolidated
25 government of a municipality and county of this state, with the approval of the governing
26 authority of that municipality or consolidated government, is authorized to enter into
27 written contracts with private corporations, enterprises, or agencies to provide probation
28 supervision, counseling, collection services for all moneys to be paid by a defendant
29 according to the terms of the sentence imposed and any moneys which by operation of
30 law are to be paid by the defendant in consequence of the conviction, and other probation
31 services for persons convicted in such court and placed on probation. The final contract
32 negotiated by the judge with the private probation entity shall be attached to the approval
33 by the governing authority of the municipality or consolidated government to privatize
34 probation services as an exhibit thereto.

35 (2) The judge of the municipal court of any municipality or consolidated government of
36 a municipality and county of this state, with the approval of the governing authority of
37 that municipality or consolidated government, is authorized to establish a probation

1 system to provide probation supervision, counseling, collection services for all moneys
 2 to be paid by a defendant according to the terms of the sentence imposed and any moneys
 3 which by operation of law are to be paid by the defendant in consequence of the
 4 conviction, and other probation services for persons convicted in such court and placed
 5 on probation.

6 42-8-101.

7 (a) There is created the County and Municipal Probation Advisory Council, to be
 8 composed of one superior court judge designated by The Council of Superior Court Judges
 9 of Georgia, one state court judge designated by The Council of State Court Judges of
 10 Georgia, one municipal court judge designated by the Council of Municipal Court Judges
 11 of Georgia, one sheriff appointed by the Governor, one probate court judge designated by
 12 The Council of Probate Court Judges of Georgia, one magistrate designated by the Council
 13 of Magistrate Court Judges, the commissioner of corrections or his or her designee, one
 14 public probation officer appointed by the Governor, one private probation officer or
 15 individual with expertise in private probation services by virtue of his or her training or
 16 employment appointed by the Governor, one mayor or member of a municipal governing
 17 authority appointed by the Governor, and one county commissioner appointed by the
 18 Governor. Members of the council appointed by the Governor shall be appointed for terms
 19 of office of four years. With the exceptions of the public probation officer, the county
 20 commissioner, the sheriff, the mayor or member of a municipal governing authority, and
 21 the commissioner of corrections, each designee or representative shall be employed in their
 22 representative capacity in a judicial circuit operating under a contract with a private
 23 corporation, enterprise, or agency as provided under Code Section 42-8-100. No person
 24 shall serve beyond the time he or she holds the office or employment by reason of which
 25 he or she was initially eligible for appointment. In the event of death, resignation,
 26 disqualification, or removal for any reason of any member of the council, the vacancy shall
 27 be filled in the same manner as the original appointment and any successor shall serve for
 28 the unexpired term. Such council shall promulgate rules and regulations regarding contracts
 29 or agreements for the provision of probation services and the conduct of business by
 30 private entities providing probation services and county, municipal, or consolidated
 31 governments establishing probation systems as authorized by this article.

32 (b) The business of the council shall be conducted in the following manner:

33 (1) The council shall annually elect a chairperson and a vice chairperson from among its
 34 membership. The offices of chairperson and vice chairperson shall be filled in such a
 35 manner that they are not held in succeeding years by representatives of the same
 36 component (law enforcement, courts, corrections) of the criminal justice system;

1 (2) The council shall meet at such times and places as it shall determine necessary or
2 convenient to perform its duties. The council shall also meet on the call of the chairperson
3 or at the written request of three of its members;

4 (3) The council shall maintain minutes of its meetings and such other records as it deems
5 necessary; and

6 (4) The council shall adopt such rules for the transaction of its business as it shall desire
7 and may appoint such committees as it considers necessary to carry out its business and
8 duties.

9 (c) Members of the council shall serve without compensation but shall receive the same
10 expense allowance per day as that received by a member of the General Assembly for each
11 day such member of the council is in attendance at a meeting of such council, plus either
12 reimbursement for actual transportation costs while traveling by public carrier or the same
13 mileage allowance for use of a personal motor vehicle in connection with such attendance
14 as members of the General Assembly receive. Payment of such expense and travel
15 allowance shall be subject to availability of funds and shall be in lieu of any per diem,
16 allowance, or other remuneration now received by any such member for such attendance.

17 (d) The council is assigned to the Administrative Office of the Courts for administrative
18 purposes only in accordance with Code Section 50-4-3. The funds necessary to carry out
19 the provisions of this article shall come from funds appropriated to the Administrative
20 Office of the Courts or otherwise available to the council. The council is authorized to
21 accept and use grants of funds for the purpose of carrying out the provisions of this article.

22 (e) The council shall have the following powers and duties:

23 (1) To promulgate rules and regulations for the administration of the council, including
24 rules of procedure for its internal management and control;

25 (2) To ~~review the~~ promulgate rules and regulations to implement those uniform
26 professional standards for private probation officers and uniform contract standards for
27 private probation contracts established in Code Section 42-8-102 ~~and submit a report with~~
28 ~~its recommendations to the General Assembly;~~

29 (3) To promulgate rules and regulations to implement those uniform professional
30 standards for probation officers employed by a governing authority of a county,
31 municipality, or consolidated government that has established probation services and
32 uniform agreement standards for the establishment of probation services by a county,
33 municipality, or consolidated government established in Code Section 42-8-102;

34 (4) To promulgate rules and regulations establishing a 40 hour initial orientation for
35 newly hired private probation officers and for 20 hours per annum of continuing
36 education for private probation officers, provided that the 40 hour initial orientation shall
37 not be required of any person who has successfully completed a probation or parole

1 officer basic course of training certified by the Georgia Peace Officer Standards and
 2 Training Council or any private probation officer who has been employed by a private
 3 probation corporation, enterprise, or agency for at least six months as of July 1, 1996;

4 (5) To promulgate rules and regulations establishing a 40 hour initial orientation for
 5 probation officers employed by a county, municipality, or consolidated government that
 6 has established probation services and for 20 hours per annum of continuing education
 7 for such probation officers, provided that the 40 hour initial orientation shall not be
 8 required of any person who has successfully completed a probation or parole officer basic
 9 course of training certified by the Georgia Peace Officer Standards and Training Council
 10 or any probation officer who has been employed by a county, municipality, or
 11 consolidated government for at least six months as of July 1, 2005;

12 ~~(4)~~(5) To promulgate rules and regulations relative to ~~the enforcement of~~ compliance
 13 with the provisions of this article, ~~which and~~ enforcement mechanisms that may include,
 14 but are not limited to, the imposition of sanctions and fines and the voiding of contracts
 15 or agreements;

16 ~~(5)~~(6) To promulgate rules and regulations establishing registration for any private
 17 corporation, private enterprise, ~~or private~~ agency, county, municipality, or consolidated
 18 government providing probation services under the provisions of this article, subject to
 19 the provisions of ~~subsection (a)~~ of Code Section 42-8-107;

20 ~~(6)~~(7) To produce an annual summary report. Such report shall not contain information
 21 identifying individual private corporations, nonprofit corporations, or enterprises or their
 22 contracts; and

23 ~~(7)~~(8) To promulgate rules and regulations requiring criminal record checks of private
 24 probation officers registered under this Code section and establishing procedures for such
 25 criminal record checks. ~~Such rules and regulations shall require a private probation entity~~
 26 ~~to conduct a criminal history records check, as provided in Code Section 35-3-34, for all~~
 27 ~~private probation officers employed by that entity; and to certify the results of such~~
 28 ~~criminal history records check to the council, in such detail as the council may require.~~
 29 ~~Notwithstanding Code Section 35-3-38 or any other provision of law, a private probation~~
 30 ~~entity shall, upon request, communicate criminal history record information on a private~~
 31 ~~probation officer to the~~ The Administrative Office of the Courts ~~and the County and~~
 32 ~~Municipal Probation Advisory Council~~ on behalf of the council shall conduct a criminal
 33 records check for probation officers as provided in Code Section 35-3-34. No applicant
 34 shall be registered who has previously been convicted of a felony. The council shall
 35 promulgate rules and regulations regarding registration requirements, including
 36 restrictions regarding misdemeanor convictions.

1 ~~(f) The initial standards, rules, and regulations of the County and Municipal Probation~~
 2 ~~Advisory Council promulgated under this article shall become effective on January 1,~~
 3 ~~1996.~~

4 42-8-102.

5 (a) The uniform professional standards contained in this subsection shall be met by any
 6 person employed as and using the title of a ~~private~~ probation officer. Any such person shall
 7 be at least 21 years of age at the time of appointment to the position of ~~private~~ probation
 8 officer and must have completed a standard two-year college course; provided, however,
 9 that any person ~~who is currently~~ employed as a private probation officer as of July 1, 1996,
 10 and who ~~has~~ had at least six months of experience as a private probation officer or any
 11 person employed as a probation officer by a county, municipality, or consolidated
 12 government as of July 1, 2005, who had at least six months of experience as a probation
 13 officer as of such date shall be exempt from such college requirements. Every private
 14 probation officer shall receive an initial 40 hours of orientation upon employment and shall
 15 receive 20 hours of continuing education per annum as approved by the ~~County and~~
 16 ~~Municipal Probation Advisory Council~~ council, provided that the 40 hour initial orientation
 17 shall not be required of any person who has successfully completed a probation or parole
 18 officer basic course of training certified by the Peace Officer Standards and Training
 19 Council or any private probation officer who has been employed by a private probation
 20 corporation, enterprise, or agency for at least six months as of July 1, 1996, or any person
 21 employed as a probation officer by a county, municipality, or consolidated government as
 22 of July 1, 2005, who had at least six months of experience as a probation officer as of such
 23 date. In no event shall any person convicted of a felony be employed as a ~~private~~ probation
 24 officer or utilize the title of ~~private~~ probation officer.

25 (b) The uniform contract standards contained in this ~~Code section~~ subsection shall apply
 26 to all private probation contracts executed under the authority of Code Section 42-8-100.
 27 The terms of any such contract shall state, at a minimum:

28 (1) The extent of the services to be rendered by the private corporation or enterprise
 29 providing probation supervision;

30 (2) Any requirements for staff qualifications, to include those contained in this Code
 31 section as well as any surpassing those contained in this Code section;

32 (3) Requirements for criminal record checks of staff in accordance with the rules and
 33 regulations established by the ~~County and Municipal Probation Advisory Council~~
 34 council;

35 (4) Policies and procedures for the training of staff that comply with rules and
 36 regulations promulgated by the council;

- 1 (5) Bonding of staff and liability insurance coverage;
 2 (6) Staffing levels and standards for offender supervision, including frequency and type
 3 of contacts with offenders;
 4 (7) Procedures for handling the collection of all court ordered fines, fees, and restitution;
 5 (8) Procedures for handling indigent offenders to ensure placement of such indigent
 6 offenders irrespective of the ability to pay;
 7 (9) Circumstances under which revocation of an offender's probation may be
 8 recommended;
 9 (10) Reporting and record-keeping requirements; and
 10 (11) Default and contract termination procedures.

11 (c) The uniform contract standards contained in this subsection shall apply to all counties,
 12 municipalities, and consolidated governments that enter into agreements with a judge to
 13 provide probation services under the authority of Code Section 42-8-100. The terms of any
 14 such agreement shall state at a minimum:

15 (1) The extent of the services to be rendered by the local governing authority providing
 16 probation services;

17 (2) Any requirements for staff qualifications, to include those contained in this Code
 18 section;

19 (3) Requirements for criminal record checks of staff in compliance with the rules and
 20 regulations established by the council;

21 (4) Policies and procedures for the training of staff that comply with the rules and
 22 regulations established by the council;

23 (5) Staffing levels and standards for offender supervision, including frequency and type
 24 of contacts with offenders;

25 (6) Procedures for handling the collection of all court ordered fines, fees, and restitution;

26 (7) Circumstances under which revocation of an offender's probation may be
 27 recommended;

28 (8) Reporting and record-keeping requirements; and

29 (9) Default and agreement termination procedures.

30 (d) The County and Municipal Probation Advisory Council council shall review the
 31 uniform professional standards and uniform contract and agreement standards contained
 32 in subsections (a), ~~and~~ (b), and (c) of this Code section and shall submit a report on its
 33 findings to the General Assembly. The council shall submit its initial report on or before
 34 ~~July 1, 1997~~ January 1, 2006, and shall continue such reviews every two years thereafter.
 35 Nothing contained in such report shall be considered to authorize or require a change in the
 36 standards without action by the General Assembly having the force and effect of law. This
 37 report shall provide information which will allow the General Assembly to review the

1 effectiveness of the minimum professional standards and, if necessary, to revise these
 2 standards. This subsection shall not be interpreted to prevent the council from making
 3 recommendations to the General Assembly prior to its required review and report.

4 42-8-103.

5 (a) Any private corporation, private enterprise, or private agency contracting to provide
 6 probation services or any county, municipality or consolidated government entering into
 7 an agreement under the provisions of this article shall provide to the judge with whom the
 8 contract or agreement was made and the ~~County and Municipal Probation Advisory~~
 9 ~~Council~~ council a quarterly report summarizing the number of offenders ~~supervised by the~~
 10 ~~private corporation, enterprise, or agency under supervision~~; the amount of fines, statutory
 11 surcharges, and restitution collected; ~~and~~ the number of offenders for whom supervision
 12 or rehabilitation has been terminated and the reason for the termination; and the number
 13 of warrants issued during the quarter, in such detail as the council may require.

14 (b) All records of any private corporation, private enterprise, or private agency contracting
 15 to provide services or of any county, municipality, or consolidated government entering
 16 into an agreement under the provisions of this article shall be open to inspection upon the
 17 request of the affected county, municipality, consolidated government, court, the
 18 Department of Audits and Accounts, or the ~~County and Municipal Probation Advisory~~
 19 ~~Council~~ council or its designee.

20 42-8-104.

21 (a) No private corporation, private enterprise, or private agency contracting to provide
 22 probation services under the provisions of this article nor any employees of such entities
 23 shall engage in any other employment, business, or activity which interferes or conflicts
 24 with the duties and responsibilities under contracts authorized in this article.

25 (b) No private corporation, private enterprise, or private agency contracting to provide
 26 probation services under the provisions of this article nor its employees shall have personal
 27 or business dealings, including the lending of money, with probationers under their
 28 supervision.

29 (c)(1) No private corporation, private enterprise, or private agency contracting to provide
 30 probation services under the provisions of this article ~~on or after January 1, 1997~~, nor any
 31 employees of such entities, shall own, operate, have any financial interest in, be an
 32 instructor at, or be employed by any private entity which provides drug or alcohol
 33 education services or offers a DUI Alcohol or Drug Use Risk Reduction Program
 34 certified by the Department of Human Resources.

1 (2) No private corporation, private enterprise, or private agency contracting to provide
 2 probation services under the provisions of this article nor any employees of such entities
 3 shall specify, directly or indirectly, a particular DUI Alcohol or Drug Use Risk Reduction
 4 Program which a probationer may or shall attend. This paragraph shall not prohibit
 5 furnishing any probationer, upon request, with the names of certified DUI Alcohol or
 6 Drug Use Risk Reduction Programs. Any person violating this paragraph shall be guilty
 7 of a misdemeanor.

8 42-8-105.

9 ~~The provisions of this article shall not affect the ability of local governments to enter into~~
 10 ~~intergovernmental agreements for probation services.~~

11 (a) No county, municipality, or consolidated government probation officer or other
 12 probation office employee shall engage in any other employment, business, or activity
 13 which interferes or conflicts with the officer's or employee's duties and responsibilities
 14 under agreements authorized in this article.

15 (b) No county, municipality, or consolidated government probation officer or other
 16 probation office employee shall have personal or business dealings, including the lending
 17 of money, with probationers under the supervision of such probation office.

18 (c)(1) No county, municipality, or consolidated government probation officer or other
 19 probation office employee shall own, operate, have any financial interest in, be an
 20 instructor at, or be employed by any private entity which provides drug or alcohol
 21 education services or offers a DUI Alcohol or Drug Use Risk Reduction Program
 22 certified by the Department of Human Resources.

23 (2) No county, municipality, or consolidated government that provides probation
 24 services through agreement under the provisions of this article nor any employees of such
 25 shall specify, directly or indirectly, a particular DUI Alcohol or Drug Use Risk Reduction
 26 Program which a probationer may or shall attend. This paragraph shall not prohibit
 27 furnishing any probationer, upon request, with the names of certified DUI Alcohol or
 28 Drug Use Risk Reduction Programs. Any person violating this paragraph shall be guilty
 29 of a misdemeanor.

30 42-8-106.

31 (a) All reports, files, records, and papers of whatever kind relative to the supervision of
 32 probationers by a private corporation, private enterprise, or private agency contracting
 33 under the provisions of this article or by a county, municipality, or consolidated
 34 government providing probation services under this article are declared to be confidential
 35 and shall be available only to the affected county, municipality, or consolidated

1 government, the judge handling a particular case, the Department of Audits and Accounts,
2 or the ~~County and Municipal Probation Advisory Council~~ council or its designee.

3 (b) In the event of a transfer of the supervision of a probationer from a private corporation,
4 private enterprise, or private agency or county, municipality, or consolidated government
5 providing probation services under this article to the Department of Corrections, the
6 Department of Corrections shall have access to any relevant reports, files, records, and
7 papers of the transferring ~~private~~ entity. All reports, files, records, and papers of whatever
8 kind relative to the supervision of probationers by private corporations, private enterprises,
9 or private agencies under contracts authorized by this article or by a county, municipality,
10 or consolidated government providing probation services under this article shall not be
11 subject to process of subpoena.

12 42-8-107.

13 (a)(1) All private corporations, private enterprises, and private agencies contracting or
14 offering to contract for probation services shall register with the ~~County and Municipal~~
15 ~~Probation Advisory Council~~ council before entering into any contract to provide services.
16 The information included in such registration shall include the name of the corporation,
17 enterprise, or agency, its principal business address and telephone number, the name of
18 its agent for communication, and other information in such detail as the council may
19 require. No registration fee shall be required.

20 (b)(2) Any private corporation, private enterprise, or private agency required to register
21 under the provisions of ~~subsection (a) of this Code section who~~ paragraph (1) of this
22 subsection which fails or refuses to do so shall be subject to revocation of any existing
23 contracts, in addition to any other fines or sanctions imposed by the ~~County and~~
24 ~~Municipal Probation Advisory Council~~ council.

25 (b)(1) All counties, municipalities, and consolidated governments agreeing or offering
26 to agree to establish a probation system shall register with the council before entering into
27 an agreement with the court to provide services. The information included in such
28 registration shall include the name of the county, municipality, or consolidated
29 government, the principal business address and telephone number, a contact name for
30 communication with the council, and other information in such detail as the council may
31 require. No registration fee shall be required.

32 (2) Any county, municipality, or consolidated government required to register under the
33 provisions of paragraph (1) of this subsection which fails or refuses to do so shall be
34 subject to revocation of existing agreements, in addition to any other sanctions imposed
35 by the council.

1 42-8-108.

2 (a) The probation providers standards contained in this Code section shall be met by
 3 private corporations, private enterprises, or private agencies who enter into written
 4 contracts for probation services under the authority of Code Section 42-8-100 on or after
 5 ~~January 1, 1997~~ July 1, 2005. Any private corporation, private enterprise, or private agency
 6 ~~who~~ which fails to meet the standards established in this ~~Code section~~ subsection on or
 7 after ~~January 1, 1997~~ July 1, 2005, shall not be eligible to provide probation services in this
 8 state. All private corporations, private enterprises, or private agencies who enter into
 9 written contracts for probation services under the authority of Code Section 42-8-100 on
 10 or after ~~January 1, 1997~~ July 1, 2005, shall:

11 (1) ~~Maintain no less than \$1 million coverage in general liability insurance~~ Meet all
 12 requirements as outlined in subsection (b) of Code Section 42-8-102, relating to uniform
 13 contract standards;

14 (2) Not own or control any finance business or lending institution which makes loans to
 15 probationers under its supervision for the payment of probation fees or fines; and

16 (3) Employ at least one person who is responsible for the direct supervision of probation
 17 officers employed by the corporation, enterprise, or agency and who shall have at least
 18 five years' experience in corrections, parole, or probation services; ~~provided, however,~~
 19 ~~that the five-year experience requirement shall not apply to any corporation, enterprise,~~
 20 ~~or agency which is currently engaged in the provision of private probation services in this~~
 21 ~~state on April 15, 1996.~~

22 (b) The standards contained in this subsection shall be met by all counties, municipalities,
 23 or consolidated governments entering into written agreements to provide probation services
 24 to any court under the authority of Code Section 42-8-100 on or after July 1, 2005. Any
 25 county, municipality, or consolidated government which fails to meet the standards
 26 established in this subsection on or after July 1, 2005, shall not be eligible to provide
 27 probation services. All counties, municipalities, or consolidated governments which enter
 28 into written agreements to provide probation services under the authority of Code Section
 29 42-8-100 on or after July 1, 2005, shall:

30 (1) Register with the council;

31 (2) Meet the requirements of subsection (c) of Code Section 42-8-102; and

32 (3) Employ at least one person who is responsible for the direct supervision of probation
 33 officers employed by the governing authority who shall have at least five years'
 34 experience in corrections, parole, or probation services; provided, however, that the
 35 five-year experience requirement shall not apply to any such supervisor employed by a
 36 county, municipality, or consolidated government which was engaged in the provision
 37 of probation services on April 15, 2005."

