

Senate Bill 44

By: Senator Hamrick of the 30th

**AS PASSED**

**A BILL TO BE ENTITLED**

**AN ACT**

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

18 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

19 **SECTION 1.**

20 Code Section 42-2-11 of the Official Code of Georgia Annotated, relating to powers and  
 21 duties of the Board of Corrections, is amended by adding a new subsection (i) to read as  
 22 follows:

23 "(i) The board shall have the authority to request bids and proposals and to enter into  
 24 contracts for the operation of probation detention centers by private companies and entities  
 25 for the confinement of probationers under Code Section 42-8-35.4 and probation diversion  
 26 centers for the confinement of probationers under Code Section 42-8-35.5. The board shall  
 27 have the authority to adopt, establish, and promulgate rules and regulations for the

1 operation of probation detention and probation diversion centers by private companies and  
2 entities."

### 3 SECTION 2.

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

#### 7 "ARTICLE 6

8 42-8-100.

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

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

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

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

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

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

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

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

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

11 ~~(f)~~(g)(1) The chief judge of any court within the county, with the approval of the  
12 governing authority of that county, is authorized to enter into written contracts with  
13 corporations, enterprises, or agencies to provide probation supervision, counseling,  
14 collection services for all moneys to be paid by a defendant according to the terms of the  
15 sentence imposed on the defendant as well as any moneys which by operation of law are  
16 to be paid by the defendant in consequence of the conviction, and other probation  
17 services for persons convicted in that court and placed on probation in the county. In no  
18 case shall a private probation corporation or enterprise be charged with the responsibility  
19 for supervising a felony sentence. The final contract negotiated by the chief judge with  
20 the private probation entity shall be attached to the approval by the governing authority  
21 of the county to privatize probation services as an exhibit thereto. The termination of a  
22 contract for probation services as provided for in this subsection entered into on or after  
23 July 1, 2001, shall be initiated by the chief judge of the court which entered into the  
24 contract, and subject to approval by the governing authority of the county which entered  
25 into the contract and in accordance with the agreed upon, written provisions of such  
26 contract. The termination of a contract for probation services as provided for in this  
27 subsection in existence on July 1, 2001, and which contains no provisions relating to  
28 termination of such contract shall be initiated by the chief judge of the court which  
29 entered into the contract, and subject to approval by the governing authority of the county  
30 which entered into the contract and in accordance with the agreed upon, written  
31 provisions of such contract.

32 (2) The chief judge of any court within the county, with the approval of the governing  
33 authority of that county, is authorized to establish a county probation system to provide  
34 probation supervision, counseling, collection services for all moneys to be paid by a  
35 defendant according to the terms of the sentence imposed on the defendant as well as any  
36 moneys which by operation of law are to be paid by the defendant in consequence of the

1 conviction, and other probation services for persons convicted in that court and placed  
2 on probation in the county.

3 ~~(g)~~(h)(1) The judge of the municipal court of any municipality or consolidated  
4 government of a municipality and county of this state, with the approval of the governing  
5 authority of that municipality or consolidated government, is authorized to enter into  
6 written contracts with private corporations, enterprises, or agencies to provide probation  
7 supervision, counseling, collection services for all moneys to be paid by a defendant  
8 according to the terms of the sentence imposed and any moneys which by operation of  
9 law are to be paid by the defendant in consequence of the conviction, and other probation  
10 services for persons convicted in such court and placed on probation. The final contract  
11 negotiated by the judge with the private probation entity shall be attached to the approval  
12 by the governing authority of the municipality or consolidated government to privatize  
13 probation services as an exhibit thereto.

14 (2) The judge of the municipal court of any municipality or consolidated government of  
15 a municipality and county of this state, with the approval of the governing authority of  
16 that municipality or consolidated government, is authorized to establish a probation  
17 system to provide probation supervision, counseling, collection services for all moneys  
18 to be paid by a defendant according to the terms of the sentence imposed and any moneys  
19 which by operation of law are to be paid by the defendant in consequence of the  
20 conviction, and other probation services for persons convicted in such court and placed  
21 on probation.

22 42-8-101.

23 (a) There is created the County and Municipal Probation Advisory Council, to be  
24 composed of one superior court judge designated by The Council of Superior Court Judges  
25 of Georgia, one state court judge designated by The Council of State Court Judges of  
26 Georgia, one municipal court judge designated by the Council of Municipal Court Judges  
27 of Georgia, one sheriff appointed by the Governor, one probate court judge designated by  
28 The Council of Probate Court Judges of Georgia, one magistrate designated by the Council  
29 of Magistrate Court Judges, the commissioner of corrections or his or her designee, one  
30 public probation officer appointed by the Governor, one private probation officer or  
31 individual with expertise in private probation services by virtue of his or her training or  
32 employment appointed by the Governor, one mayor or member of a municipal governing  
33 authority appointed by the Governor, and one county commissioner appointed by the  
34 Governor. Members of the council appointed by the Governor shall be appointed for terms  
35 of office of four years. With the exceptions of the public probation officer, the county  
36 commissioner, the sheriff, the mayor or member of a municipal governing authority, and

1 the commissioner of corrections, each designee or representative shall be employed in their  
2 representative capacity in a judicial circuit operating under a contract with a private  
3 corporation, enterprise, or agency as provided under Code Section 42-8-100. No person  
4 shall serve beyond the time he or she holds the office or employment by reason of which  
5 he or she was initially eligible for appointment. In the event of death, resignation,  
6 disqualification, or removal for any reason of any member of the council, the vacancy shall  
7 be filled in the same manner as the original appointment and any successor shall serve for  
8 the unexpired term. Such council shall promulgate rules and regulations regarding  
9 contracts or agreements for the provision of probation services and the conduct of business  
10 by private entities providing probation services and county, municipal, or consolidated  
11 governments establishing probation systems as authorized by this article.

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

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

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

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

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

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

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

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

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

4 (2) To review the uniform professional standards for private probation officers and  
5 uniform contract standards for private probation contracts established in Code Section  
6 42-8-102 and submit a report with its recommendations to the General Assembly;

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

12 (4) To promulgate rules and regulations establishing a 40 hour initial orientation for  
13 newly hired private probation officers and for 20 hours per annum of continuing  
14 education for private probation officers, provided that the 40 hour initial orientation shall  
15 not be required of any person who has successfully completed a probation or parole  
16 officer basic course of training certified by the Georgia Peace Officer Standards and  
17 Training Council or any private probation officer who has been employed by a private  
18 probation corporation, enterprise, or agency for at least six months as of July 1, 1996;

19 (5) To promulgate rules and regulations establishing a 40 hour initial orientation for  
20 probation officers employed by a county, municipality, or consolidated government that  
21 has established probation services and for 20 hours per annum of continuing education  
22 for such probation officers, provided that the 40 hour initial orientation shall not be  
23 required of any person who has successfully completed a probation or parole officer basic  
24 course of training certified by the Georgia Peace Officer Standards and Training Council  
25 or any probation officer who has been employed by a county, municipality, or  
26 consolidated government as of March 1, 2006;

27 ~~(4)(6)~~ To promulgate rules and regulations relative to ~~the enforcement of~~ compliance  
28 with the provisions of this article, ~~which~~ and enforcement mechanisms ~~that~~ may include,  
29 but are not limited to, the imposition of sanctions and fines and the voiding of contracts  
30 or agreements;

31 ~~(5)(7)~~ To promulgate rules and regulations establishing registration for any private  
32 corporation, private enterprise, ~~or private~~ agency, county, municipality, or consolidated  
33 government providing probation services under the provisions of this article, subject to  
34 the provisions ~~of subsection (a)~~ of Code Section 42-8-107;

35 ~~(6)(8)~~ To produce an annual summary report. Such report shall not contain information  
36 identifying individual private corporations, nonprofit corporations, or enterprises or their  
37 contracts; and

1 ~~(7)~~(9) To promulgate rules and regulations requiring criminal record checks of private  
 2 probation officers registered under this Code section and establishing procedures for such  
 3 criminal record checks. ~~Such rules and regulations shall require a private probation entity~~  
 4 ~~to conduct a criminal history records check, as provided in Code Section 35-3-34, for all~~  
 5 ~~private probation officers employed by that entity; and to certify the results of such~~  
 6 ~~criminal history records check to the council, in such detail as the council may require.~~  
 7 ~~Notwithstanding Code Section 35-3-38 or any other provision of law, a private probation~~  
 8 ~~entity shall, upon request, communicate criminal history record information on a private~~  
 9 ~~probation officer to the The Administrative Office of the Courts and the County and~~  
 10 ~~Municipal Probation Advisory Council on behalf of the council shall conduct a criminal~~  
 11 ~~records check for probation officers as provided in Code Section 35-3-34. No applicant~~  
 12 ~~shall be registered who has previously been convicted of a felony. The council shall~~  
 13 ~~promulgate rules and regulations regarding registration requirements, including~~  
 14 ~~restrictions regarding misdemeanor convictions. An agency or private entity shall also~~  
 15 ~~be authorized to conduct a criminal history background check of a person employed as~~  
 16 ~~a probation officer or an applicant for a probation officer position. The criminal history~~  
 17 ~~check may be conducted in accordance with Code Section 35-3-34 and may be based~~  
 18 ~~upon the submission of fingerprints of the person whose records are requested. The~~  
 19 ~~Georgia Bureau of Investigation shall submit the fingerprints to the Federal Bureau of~~  
 20 ~~Investigation under the rules established by the United States Department of Justice for~~  
 21 ~~processing and identification of records. The federal record, if any, shall be obtained and~~  
 22 ~~returned to the requesting entity or agency.~~

23 ~~(f) The initial standards, rules, and regulations of the County and Municipal Probation~~  
 24 ~~Advisory Council promulgated under this article shall become effective on January 1,~~  
 25 ~~1996.~~

26 42-8-102.

27 (a) The uniform professional standards contained in this subsection shall be met by any  
 28 person employed as and using the title of a private probation officer or probation officer.  
 29 Any such person shall be at least 21 years of age at the time of appointment to the position  
 30 of private probation officer or probation officer and must have completed a standard  
 31 two-year college course or have four years of law enforcement experience; provided,  
 32 however, that any person ~~who is currently~~ employed as a private probation officer as of  
 33 July 1, 1996, and who ~~has~~ had at least six months of experience as a private probation  
 34 officer or any person employed as a probation officer by a county, municipality, or  
 35 consolidated government as of March 1, 2006, shall be exempt from such college  
 36 requirements. Every private probation officer shall receive an initial 40 hours of

1 orientation upon employment and shall receive 20 hours of continuing education per  
 2 annum as approved by the ~~County and Municipal Probation Advisory Council~~ council,  
 3 provided that the 40 hour initial orientation shall not be required of any person who has  
 4 successfully completed a probation or parole officer basic course of training certified by  
 5 the Peace Officer Standards and Training Council or any private probation officer who has  
 6 been employed by a private probation corporation, enterprise, or agency for at least six  
 7 months as of July 1, 1996, or any person employed as a probation officer by a county,  
 8 municipality, or consolidated government as of March 1, 2006. In no event shall any  
 9 person convicted of a felony be employed as a ~~private~~ probation officer or utilize the title  
 10 of ~~private~~ probation officer.

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

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

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

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

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

23 (5) Bonding of staff and liability insurance coverage;

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

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

27 (8) Procedures for handling indigent offenders to ensure placement of such indigent  
 28 offenders irrespective of the ability to pay;

29 (9) Circumstances under which revocation of an offender's probation may be  
 30 recommended;

31 (10) Reporting and record-keeping requirements; and

32 (11) Default and contract termination procedures.

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



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

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

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

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

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

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

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

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

15 (9) Default and agreement termination procedures.

16 (d) The County and Municipal Probation Advisory Council council shall review the  
 17 uniform professional standards and uniform contract and agreement standards contained  
 18 in subsections (a), ~~and (b), and (c)~~ of this Code section and shall submit a report on its  
 19 findings to the General Assembly. The council shall submit its initial report on or before  
 20 ~~July 1, 1997~~ January 1, 2007, and shall continue such reviews every two years thereafter.  
 21 Nothing contained in such report shall be considered to authorize or require a change in the  
 22 standards without action by the General Assembly having the force and effect of law. This  
 23 report shall provide information which will allow the General Assembly to review the  
 24 effectiveness of the minimum professional standards and, if necessary, to revise these  
 25 standards. This subsection shall not be interpreted to prevent the council from making  
 26 recommendations to the General Assembly prior to its required review and report.

27 42-8-103.

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

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

7 42-8-104.

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

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

16 (c)(1) No private corporation, private enterprise, or private agency contracting to provide  
 17 probation services under the provisions of this article ~~on or after January 1, 1997~~, nor any  
 18 employees of such entities, shall own, operate, have any financial interest in, be an  
 19 instructor at, or be employed by any private entity which provides drug or alcohol  
 20 education services or offers a DUI Alcohol or Drug Use Risk Reduction Program  
 21 certified by the Department of Driver Services.

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

29 42-8-105.

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

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

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

4 (c)(1) No county, municipality, or consolidated government probation officer or other  
 5 probation office employee shall own, operate, have any financial interest in, be an  
 6 instructor at, or be employed by any private entity which provides drug or alcohol  
 7 education services or offers a DUI Alcohol or Drug Use Risk Reduction Program  
 8 certified by the Department of Driver Services.

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

16 42-8-106.

17 (a) All reports, files, records, and papers of whatever kind relative to the supervision of  
 18 probationers by a private corporation, private enterprise, or private agency contracting  
 19 under the provisions of this article or by a county, municipality, or consolidated  
 20 government providing probation services under this article are declared to be confidential  
 21 and shall be available only to the affected county, municipality, or consolidated  
 22 government, the judge handling a particular case, the Department of Audits and Accounts,  
 23 or the ~~County and Municipal Probation Advisory Council~~ council or its designee.

24 (b) In the event of a transfer of the supervision of a probationer from a private corporation,  
 25 private enterprise, or private agency or county, municipality, or consolidated government  
 26 providing probation services under this article to the Department of Corrections, the  
 27 Department of Corrections shall have access to any relevant reports, files, records, and  
 28 papers of the transferring private entity. All reports, files, records, and papers of whatever  
 29 kind relative to the supervision of probationers by private corporations, private enterprises,  
 30 or private agencies under contracts authorized by this article or by a county, municipality,  
 31 or consolidated government providing probation services under this article shall not be  
 32 subject to process of subpoena.

33 42-8-107.

34 (a)(1) All private corporations, private enterprises, and private agencies contracting or  
 35 offering to contract for probation services shall register with the ~~County and Municipal~~

1 ~~Probation Advisory Council~~ council before entering into any contract to provide services.  
 2 The information included in such registration shall include the name of the corporation,  
 3 enterprise, or agency, its principal business address and telephone number, the name of  
 4 its agent for communication, and other information in such detail as the council may  
 5 require. ~~No registration fee shall be required.~~

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

11 (b)(1) All counties, municipalities, and consolidated governments agreeing or offering  
 12 to agree to establish a probation system shall register with the council before entering into  
 13 an agreement with the court to provide services. The information included in such  
 14 registration shall include the name of the county, municipality, or consolidated  
 15 government, the principal business address and telephone number, a contact name for  
 16 communication with the council, and other information in such detail as the council may  
 17 require.

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

22 42-8-108.

23 (a) The probation providers standards contained in this Code section shall be met by  
 24 private corporations, private enterprises, or private agencies who enter into written  
 25 contracts for probation services under the authority of Code Section 42-8-100 on or after  
 26 ~~January 1, 1997~~ July 1, 2006. Any private corporation, private enterprise, or private  
 27 agency ~~who~~ which fails to meet the standards established in this ~~Code section~~ subsection  
 28 on or after ~~January 1, 1997~~ July 1, 2006, shall not be eligible to provide probation services  
 29 in this state. All private corporations, private enterprises, or private agencies who enter  
 30 into written contracts for probation services under the authority of Code Section 42-8-100  
 31 on or after ~~January 1, 1997~~ July 1, 2006, shall:

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

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

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

7 (b) The standards contained in this subsection shall be met by all counties, municipalities,  
 8 or consolidated governments entering into written agreements to provide probation services  
 9 to any court under the authority of Code Section 42-8-100 on or after July 1, 2006. Any  
 10 county, municipality, or consolidated government which fails to meet the standards  
 11 established in this subsection on or after July 1, 2006, shall not be eligible to provide  
 12 probation services. All counties, municipalities, or consolidated governments which enter  
 13 into written agreements to provide probation services under the authority of Code Section  
 14 42-8-100 on or after July 1, 2006, shall:

15 (1) Register with the council;

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

17 (3) Employ at least one person who is responsible for the direct supervision of probation  
 18 officers employed by the governing authority who shall have at least five years'  
 19 experience in corrections, parole, or probation services; provided, however, that the  
 20 five-year experience requirement shall not apply to any such supervisor employed by a  
 21 county, municipality, or consolidated government which was engaged in the provision  
 22 of probation services on April 15, 2006."

### 23 SECTION 3.

24 This Act shall become effective upon its approval by the Governor or upon its becoming law  
 25 without such approval for purposes of promulgating rules and regulations; for all other  
 26 purposes, this Act shall become effective July 1, 2006.

### 27 SECTION 4.

28 All laws and parts of laws in conflict with this Act are repealed.