

HOUSE BILL 2830

By Williams R

AN ACT to amend Tennessee Code Annotated, Title 40,
relative to probation supervision.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-35-303, is amended by adding
the following new subsection:

(p)

(1) If a defendant is granted probation pursuant to this section and is
released to the department charged by law with the supervision of probationers,
the department may contract with an approved private probation provider to
furnish probation supervision and services to such defendant if:

(A) The defendant's conviction offense was for a Class E felony;

and

(B) The caseloads of state probation officers where the defendant
is being supervised are high, resulting in the likelihood that the
probationer may receive increased supervision and services from a
private probation provider; or

(C) The private probation provider offers specialized services,
treatment or training that would be beneficial to a probationer but would
not be available if the probationer is supervised by the department.

(2) To contract with the department for the supervision of felons
described in subdivision (p)(1)(A), a private probation provider shall:

(A) Meet all qualifications established by the Private Probation
Council for entities providing misdemeanor probation services;

(B) Keep all records in an electronic format that is accessible upon demand by an approved state agency;

(C) Maintain professional liability insurance of not less than one million dollars (\$1,000,000) in addition to a general liability policy; and

(D)

(i) Have been a private provider of misdemeanor probation services for courts exercising criminal jurisdiction in this state for at least fifteen (15) years; or

(ii) Have been a private provider of misdemeanor probation services for courts exercising criminal jurisdiction in this state for at least two (2) years and a state probation officer for at least thirteen (13) years.

(3)

(A) A private probation provider who meets the requirements of subdivision (p)(2) and who wants to contract with the department to provide probation services to felons described in subdivision (p)(1)(A), may register with the department and the Private Probation Council.

(B) At the time of registration, the private provider shall submit to the department and council:

(i) Such documentation as is necessary to demonstrate that it meets the requirements of subdivision (p)(2); and

(ii) A specific plan demonstrating how the use of such provider to supervise and provide services to felons described in subdivision (p)(1)(A), who have been granted probation will further the overall goal of reducing the recidivism rate of probationers.

Such plan shall also contain statistics for misdemeanor probation services provided by the private provider for the previous ten (10) years. At a minimum, the statistics contained in the plan shall contain the same information required to be maintained by subdivision (p)(5).

(C) If the documentation and recidivism rate reduction plan presented by the private provider demonstrates that it meets the requirements of subdivision (p)(2), the department and council shall approve the private provider and place such provider on a list of companies eligible to contract with the department pursuant to this subsection (p).

(4) A supervision contract authorized by this section shall be between the department and the private provider and the department. Once the court grants a person's petition for probation, the department shall be the sole entity that determines who supervises the probationer. No probationer meeting the criteria set out in subdivision (p)(1)(A) shall be placed under the supervision of or supervised by a private provider that has not contracted with the department and is not on the list of companies approved by the department and the council.

(5) Any private provider who contracts with the department pursuant to this subsection (p) shall maintain statistics on the probationers supervised pursuant to this subsection (p) and shall submit a quarterly report of such statistics to the person or agency designated by the department. The statistics shall include, but not be limited to:

(A) The number of felony probationers described in subdivision (p)(1)(A) the private provider has contracted to supervise;

(B) The style of the case which resulted in the defendant being placed on probation;

(C) The number of felons described in subdivision (p)(1)(A), whose probation was revoked prior to the end of supervision; and

(D) The recidivism rate of the felony probationers supervision by the private provider under a contract authorized by this subsection (p).

(6)

(A) A private provider contracting to supervise felons described in subdivision (p)(1)(A) may charge a supervision fee not to exceed sixty dollars (\$60.00) per month. However, if a probationer cannot afford all or part of the supervision fee, the probationer may go before the court placing the defendant on probation and petition that it be waived or reduced. For good cause shown, the court may waive or reduce the supervision fee in appropriate cases.

(B) Willful nonpayment of the supervision fee to the private probation provider shall be grounds for revocation and the provider shall report instances of nonpayment to the department in the manner specified in the contract.

(7) No employee of a private provider of probation services shall supervise a felon described in subdivision (p)(1)(A) unless the employee has a bachelor of science degree from an accredited college or university or at least two (2) years of related work experience.

(8) This subsection (p) shall not apply to offenders who are governed by the interstate compact for supervision of adult offenders. The supervision of those offenders shall be controlled by the compact.

SECTION 2. For the purposes of private probation providers registering with the private probation council and the department charged by law with the supervision of probationers, and the department and council approving private providers, this act shall take effect upon becoming a law, the public welfare requiring it. For the purposes of the department charged by law with the supervision of probationers contracting with private probation providers to supervise felons described in subdivision Section 1, this act shall take effect on July 1, 2012, the public welfare requiring it.