

1 HB372  
2 174164-1  
3 By Representative Beckman  
4 RFD: Judiciary  
5 First Read: 08-MAR-16

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8 SYNOPSIS: This bill would establish the Municipal  
9 Probation Reform Act.

10 This bill would define terms and would allow  
11 a municipal court to contract with a private  
12 probation entity to provide probation services  
13 under certain conditions.

14 This bill would: Provide qualifications and  
15 registration requirements for a private probation  
16 entity; provide for the qualifications of  
17 employees, agents, or volunteers of a private  
18 probation entity; provide certain insurance  
19 coverage requirements and contract requirements for  
20 a private probation entity; provide procedures for  
21 the revocation or suspension of the registration of  
22 a probation entity and would impose fines; and  
23 authorize the Administrative Office of Courts to  
24 inspect and investigate a private probation entity  
25 to monitor the entity.

26  
27 A BILL

1 TO BE ENTITLED

2 AN ACT

3  
4 To establish the Municipal Probation Reform Act; to  
5 authorize a municipal court to contract with a private  
6 probation entity; to provide qualifications and registration  
7 requirements for a private probation entity; to provide for  
8 the qualifications of employees, agents, or volunteers of a  
9 private probation entity; to provide certain insurance  
10 coverage and contract requirements; to provide procedures for  
11 the revocation or suspension of registration and to impose  
12 fines; and to authorize the Administrative Office of Courts to  
13 perform inspections and investigations to monitor compliance.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. This act shall be known and may be cited  
16 as the Municipal Probation Reform Act.

17 Section 2. For the purposes of this act, the  
18 following terms shall have the following meanings:

19 (1) CONVICTION. A finding or verdict of guilt, a  
20 plea of guilty, or a plea of nolo contendere in a criminal  
21 proceeding.

22 (2) DIRECTOR. Any person who participates in the  
23 operations, marketing, marketing consulting, or decision  
24 making of any probation entity, including any person who  
25 directly or indirectly benefits financially from the probation  
26 entity. A director may not include a person who beneficially  
27 owns stock or other securities of a publicly held corporation

1 unless the person beneficially owns more than five percent of  
2 the voting capital stock of the corporation or otherwise meets  
3 the requirements of this definition.

4 (3) GOVERNING AUTHORITY. The elected body of any  
5 municipality with statutory power to enter into written  
6 contracts with corporations, enterprises, or agencies to  
7 provide public services.

8 (4) PROBATION ENTITY. Any probation service,  
9 corporation, enterprise, or agency which enters into written  
10 contracts or agreements with courts to provide probation  
11 supervision, counseling, collection services, or other  
12 probation services for all persons convicted of a misdemeanor  
13 and placed on probation by the court. A probation entity may  
14 be privately owned and operated or run by the governing  
15 authority of a municipality.

16 (5) PROBATION OFFICER SUPERVISOR. A person who has  
17 at least five years of experience in corrections, parole, or  
18 probation services or has served as a probation officer,  
19 parole officer, or corrections counselor.

20 (6) PROBATIONER. Any misdemeanor offender sentenced  
21 by a court in this state and assigned to a probation entity  
22 for supervision, counseling, financial collections, and  
23 compliance with any other court-ordered condition.

24 (7) REGISTRATION APPLICATION. The written  
25 application process a probation entity must complete in order  
26 to be approved to provide probation services.

1 (8) REGISTRATION APPROVAL. Written authorization by  
2 the Administrative Office of Courts to any probation entity to  
3 provide probation services. Registration approval is a  
4 prerequisite for initial and continued probation entity  
5 operation. It is granted and continued upon a showing of  
6 initial and continued compliance with the requirements of this  
7 act. Registration approval specifically authorizes a probation  
8 entity to enter into agreements with courts and governing  
9 authorities to provide probation services.

10 (9) REPRIMAND. A written notice to a probation  
11 entity for noncompliance of minor or first-time violations of  
12 the requirements provided by this act.

13 (10) REVOCATION. The termination by the  
14 Administrative Office of Courts of the registration approval  
15 of a probation entity based upon failure to comply with the  
16 requirements provided by this act.

17 (11) SUSPENSION. A temporary stop, a temporary  
18 delay, an interruption, or a cessation.

19 (12) VOLUNTEER. A person who gives his or her  
20 services without any express or implied promise of  
21 remuneration.

22 Section 3. (a) A municipal court that has original  
23 jurisdiction of ordinance violations or misdemeanors and in  
24 which a defendant in a case has been found guilty upon verdict  
25 or any plea, may hear and determine the question of the  
26 probation of the defendant at a time to be determined by the  
27 court.

1           (b) (1) If the court finds upon a hearing of the  
2 matter that the defendant is not likely to engage in an  
3 unlawful course of conduct and that the ends of justice and  
4 the welfare of society do not require that the defendant  
5 suffer the penalty imposed by law, the court shall impose a  
6 sentence upon the defendant but may stay and suspend the  
7 execution of the sentence, or any portion thereof, or may  
8 place the defendant on probation under the supervision and  
9 control of a probation officer for the duration of the  
10 probation, subject to this act.

11           (2) The period of probation or suspension may not  
12 exceed the maximum sentence of confinement that could be  
13 imposed on the defendant.

14           (c) The court may require the payment of a fine or  
15 costs, or both, as a condition precedent to probation.

16           (d) (1) The sentencing judge does not lose  
17 jurisdiction over any probationer during the term of his or  
18 her probated sentence.

19           (2) The judge may revoke, rescind, modify, or change  
20 any or all of the probated sentence at any time during the  
21 period originally prescribed for the probated sentence to run.

22           Section 4. (a) The judge of a municipal court, with  
23 the approval of the governing authority of the municipality,  
24 may enter into written contracts with any private probation  
25 entity to provide any of the following:

26           (1) Probation supervision.

27           (2) Counseling.

1           (3) Collection services for all moneys to be paid by  
2 a probationer in accordance with the sentence imposed.

3           (4) Collection services for all moneys which by  
4 operation of law are to be paid by the probationer as a  
5 consequence of the conviction.

6           (5) Any other probation services for a probationer.

7           (b) The approval by the governing authority of the  
8 municipality shall be attached to the final contract  
9 negotiated by the judge with the private probation entity to  
10 privatize probation services as an exhibit to the contract.

11           Section 5. (a) All reports, papers, records, and  
12 files relating to the supervision of a probationer by a  
13 private probation entity or by a municipality providing  
14 probation services are confidential and available only to the  
15 affected municipality, the court, the Department of Examiners  
16 of Public Accounts, the appropriate law enforcement agencies  
17 acting within the normal course of business, the  
18 Administrative Office of Courts, and the probationer.

19           (b) In the event of a transfer of the supervision of  
20 a probationer from a private probation entity or municipality  
21 providing probation services to the Department of Corrections,  
22 the Department of Corrections shall have access to relevant  
23 reports, papers, records, and files of the transferring  
24 entity.

25           (c) All reports, papers, records, and files relating  
26 to the supervision of a probationer by a private probation

1 entity or by a municipality providing probation services are  
2 not subject to subpoena.

3 (d) The Administrative Office of Courts may  
4 periodically prepare and distribute aggregate, statewide  
5 information regarding the status of probation activities.

6 (e) All records of a probation entity shall be  
7 maintained in accordance with confidentiality law.

8 (f) Each probation entity shall maintain the  
9 following records for a period of two years which upon request  
10 shall be made available and accessible for inspection by the  
11 affected municipality, court, the Department of Examiners of  
12 Public Accounts, or the Administrative Office of Courts:

13 (1) All written contracts or agreements for  
14 probation services.

15 (2) All court orders for a probationer assigned to  
16 the probation entity for supervision.

17 (3) All accounting ledgers and related documents.

18 (4) All payment receipts issued to a probationer for  
19 all funds received.

20 (5) All probation case history and management  
21 reports and documents.

22 (6) All other documents pertaining to the case  
23 management of each probationer assigned to the probation  
24 entity for supervision.

25 (7) The probation entity application for  
26 registration and supporting documents submitted to the  
27 Administrative Office of Courts.

1                   (8) The registration approval issued to the  
2 probation entity by the Administrative Office of Courts.

3                   Section 6. The following persons may not own,  
4 operate, direct, or serve as an employee or agent of a  
5 probation entity:

6                   (1) An employee of the Administrative Office of  
7 Courts, or his or her spouse.

8                   (2) Any person who has an apparent conflict of  
9 interest due to the existence of a fiduciary, business, or  
10 personal relationship with any probationer.

11                   (3) Any person whose relationship with a probationer  
12 would place the person in a position to exert undue influence,  
13 exploit, take undue advantage of, or breach the  
14 confidentiality of the probationer.

15                   (4) A judge, public probation officer or employee,  
16 or an employee of a court in this state or his or her spouse,  
17 to the extent that the probation services are to be provided  
18 within the same jurisdiction served by the judge, public  
19 probation officer, or court employee.

20                   (5) Any person convicted of a felony offense.

21                   (6) Any person convicted of a domestic violence  
22 offense.

23                   (7) Any person who has an interest in any finance  
24 business or lending institution that makes loans to a  
25 probationer under its supervision.

1           Section 7. (a) In addition to the qualifications in  
2 Section 6, a person may not be employed by a probation entity  
3 if the person meets any of the following criteria:

4           (1) Has been convicted of a sufficient amount of  
5 misdemeanors so as to establish a pattern of disregard for the  
6 law. Violations of misdemeanors when the employee has received  
7 a pardon may not be considered.

8           (2) Has an outstanding warrant for his or her  
9 arrest.

10          (3) Has a pending charge that is a felony or  
11 involves domestic violence.

12          (4) Fails to possess at a minimum a high school  
13 diploma or its equivalent, excepting those participating in an  
14 established high school program.

15          (b) An employee of a probation entity shall complete  
16 an initial 16-hour block of instruction within six months of  
17 employment and an 8-hour annual in-service continuing  
18 education training program relevant to the performance of his  
19 or her duties and consisting of a curriculum recommended by  
20 the American Corrections Association.

21          (c) An employee may assist a probation officer with  
22 case related administrative duties, but may not possess  
23 decision making authority regarding case supervision.

24          Section 8. (a) Any employee, agent, or volunteer who  
25 provides any service to probationers, has access to probation  
26 entity records, has telephone or face-to-face contact with

1 probationers under supervision, or has access to probationer  
2 data, shall meet all of the following requirements:

3 (1) Be at least 18 years of age.

4 (2) Sign a confidentiality statement agreeing to  
5 hold the records of the probation entity confidential. This  
6 statement shall be maintained in the personnel file of the  
7 person.

8 (3) Sign a statement that is also signed by the  
9 probation entity director or his or her designee that the  
10 person has received an orientation on the provisions of this  
11 act as well as operations guidelines relevant to the job  
12 duties of the person. This statement shall be maintained in  
13 the personnel file of the person.

14 (4) Complete and pass a criminal background check.

15 (b) (1) Each owner, director, or agent of a probation  
16 entity shall sign a confidentiality statement agreeing to keep  
17 confidential the identity of probationers under the  
18 supervision of the probation entity.

19 (2) This statement shall be maintained in the  
20 personnel files of the probation entity.

21 Section 9. (a) A person employed as a probation  
22 officer with a probation entity shall meet all of the  
23 following standards:

24 (1) Be at least 21 years of age at the time of  
25 employment.

26 (2) Have completed a standard two-year college  
27 course of study of 90 quarter hours or 60 semester hours from

1 an accredited institution or have four years of law  
2 enforcement experience as a certified peace officer or the  
3 jurisdictional equivalent at the time of employment.

4 (3) Any private probation officer who was employed  
5 as of July 1, 2015, who had at least six months of experience  
6 as a private probation officer or any person who was employed  
7 as a probation officer by a municipality as of July 1, 2015,  
8 shall be exempt from the requirements of subdivision (2).

9 (4) Complete and pass a criminal background check.

10 (5) Complete a 40-hour initial orientation program  
11 within six months of employment and a 20-hour annual  
12 in-service continuing education program consisting of a  
13 curriculum recommended by the American Corrections  
14 Association.

15 (b) All documentation of education and law  
16 enforcement experience, including post certification, shall be  
17 maintained in the personnel files of the employee.

18 (c) The following persons may not be employed as a  
19 probation officer, use the title probation officer, or  
20 otherwise be responsible for the supervision of a probationer:

21 (1) A person convicted of a felony.

22 (2) A person convicted of sufficient misdemeanors so  
23 as to establish a pattern of disregard for the law, provided  
24 that for the purposes of this subsection, violations of  
25 traffic laws and other offenses involving the operation of a  
26 motor vehicle when the employee has received a pardon may not  
27 be considered.

1           (3) A person with an outstanding warrant for his or  
2 her arrest.

3           (4) A person with a pending charge that is a felony  
4 or involves domestic violence.

5           Section 10. (a) When a probation entity submits its  
6 registration application, and at any time reasonably requested  
7 by the Administrative Office of Courts, the owner, director,  
8 or agent of the probation entity must possess or verify all of  
9 the following qualifications:

10           (1) The entity has at least one supervising employee  
11 who is responsible for the direct supervision of probation  
12 officers. The supervisor shall have a minimum of five years  
13 experience in corrections, parole, or probation services.

14           (2) The entity has a clean criminal record.

15           (3) The owner, operator, director, or agent has not  
16 been convicted of or pled guilty or nolo contendere to any  
17 crime that is a felony in this state or in any other state,  
18 unless a pardon has been obtained.

19           (4) The entity has not employed a person who has  
20 been convicted of sufficient misdemeanors so as to establish a  
21 pattern of disregard for the law. Violations of misdemeanors  
22 when the employee has received a pardon may not be considered.

23           (5) The entity has not employed a person with an  
24 outstanding warrant for his or her arrest.

25           (6) The entity has not employed a person with a  
26 pending charge that is a felony or involves domestic violence.

1           (7) The owner, operator, director, or agent is at  
2 least 21 years of age at the time of application.

3           (b) (1) In order for a probation entity to maintain  
4 its registration, each owner, director, agent, and employee of  
5 the probation entity shall maintain a criminal record free of  
6 felony conviction or a conviction involving domestic violence.

7           (2) Each owner, director, agent, and employee shall  
8 notify the Administrative Office of Courts in writing if he or  
9 she is charged, arrested, convicted, or pleads guilty or nolo  
10 contendere to any felony within 10 business days of the  
11 charge, arrest, conviction, or plea.

12           (c) Upon filing a registration application to  
13 operate as a private probation entity, the entity shall  
14 include written evidence of general liability insurance  
15 coverage of at least one million dollars (\$1,000,000). The  
16 insurance requirements required by this subsection shall be  
17 maintained at all times while providing probation services.  
18 Failure to maintain current liability insurance may result in  
19 the suspension of the registration of the private probation  
20 entity.

21           Section 11. (a) A probation entity engaged in  
22 probation services shall initially submit a registration  
23 application as designed and required by the Administrative  
24 Office of Courts and shall re-register as often as necessary  
25 to maintain current information with the Administrative Office  
26 of Courts.

1 (b) A registration application shall be made  
2 utilizing forms provided by the Administrative Office of  
3 Courts.

4 (c) Failure or refusal to register or re-register  
5 shall subject the probation entity to sanctions or fines based  
6 upon individual circumstances.

7 (d) An entity providing probation services upon the  
8 effective date of this act shall be allowed to continue  
9 providing probation services, pending successful registration.

10 (e) The Administrative Office of Courts is  
11 authorized to charge an annual registration fee from each  
12 entity in an amount not to exceed five thousand dollars  
13 (\$5,000).

14 Section 12. (a) Contracts for probation services  
15 shall demonstrate through a written plan or contract form the  
16 reasonable ability of the probation entity to furnish  
17 continuous service in compliance with the requirements of this  
18 act for a probation entity from the date the operation of the  
19 probation entity commences.

20 (b) Private probation entity plans and contracts  
21 shall be filed and maintained current with the parties of the  
22 contract and the Administrative Office of Courts and shall  
23 minimally contain the following information about the  
24 probation entity:

25 (1) A description of the extent of services to be  
26 rendered.

1           (2) The staff qualifications which meet or exceed  
2 the requirements of this act.

3           (3) The completed criminal background checks on all  
4 of the staff.

5           (4) The policies and procedures for staff training.

6           (5) The bonding of the staff.

7           (6) The staffing levels and standards of  
8 supervision, including the type and frequency of contacts.

9           (7) The collection procedures for handling  
10 court-ordered fines, fees, and restitution.

11           (8) The procedures for handling indigent  
12 probationers.

13           (9) The revocation circumstances and procedures.

14           (10) The reporting and record keeping procedures.

15           (11) The default and contract termination  
16 procedures.

17           (12) A schedule of the range of probation fees and  
18 charges assessed to the probationers supervised by the entity.

19           Section 13. (a) Every operator, director, agent, and  
20 probation officer employed by a probation entity shall  
21 successfully complete 40 hours of initial orientation training  
22 within six months of the beginning of operations, where  
23 required by law, and 20 hours of relevant continuing education  
24 courses each year.

25           (b) Every owner, operator, director, or agent shall  
26 continually employ at least one supervisor with a minimum of  
27 five years' experience in corrections, probation, or parole

1 services who is responsible for the direct supervision of  
2 probation officers.

3 Section 14. In addition to any other requirements of  
4 a probation entity, every owner, operator, director, or agent  
5 of a probation entity is responsible for each of the  
6 following:

7 (1) Entering into a written contract or agreement  
8 with each court for services provided.

9 (2) Providing services for the supervision,  
10 counseling, and collection of court-ordered fines of a  
11 probationer assigned to the probation entity by the court.

12 (3) The actions of all employees and agents carried  
13 out within the scope of employment, whether they are  
14 characterized as employees, agents, or independent  
15 contractors.

16 (4) Training all employees who have contact with a  
17 probationer to provide accurate information regarding his or  
18 her probation case and to maintain confidentiality.

19 (5) Maintaining an employee folder for every  
20 employee containing the job application, signed statements  
21 acknowledging the content of this act, training records, law  
22 enforcement experience, certifications, documentation of  
23 education, and criminal history, and record check information.

24 (6) Prohibiting the solicitation of a probationer  
25 for insurance, legal services, bail bonds, specific clinical  
26 evaluations, treatment providers, or any other product or  
27 service.

1           (7) Ensuring the quality of case management and  
2 execution of all court orders in a professional manner.

3           (8) Maintaining accountability to the court by  
4 reporting the status of all probation cases assigned to the  
5 probation entity.

6           Section 15. (a) Each probation entity shall provide  
7 the judge and the Administrative Office of Courts with a  
8 quarterly probation entity activity report in such detail as  
9 the judge and the Administrative Office of Courts may require.

10          (b) Probation entity quarterly activity reports  
11 shall be submitted within 30 days after the close of each  
12 calendar quarter and shall be made utilizing forms approved by  
13 the Administrative Office of Courts.

14          (c) A probation entity shall provide other reports  
15 in such detail as the municipality, court, Department of  
16 Examiners of Public Accounts, or the Administrative Office of  
17 Courts may require.

18          (d) All records of the probation entity shall be  
19 open to inspection as requested by the municipality, court,  
20 Department of Examiners of Public Accounts, or the  
21 Administrative Office of Courts.

22          Section 16. (a) A probation entity may not assess,  
23 collect, or disburse any funds as it pertains to the  
24 collection of court-ordered monies, except by written order of  
25 the court or as required by state law.

26          (b) A current schedule of all probation fees shall  
27 be filed by the probation entity.

1 (c) A probation entity, owner, director, agent, or  
2 employee may not offer any program service or component for an  
3 additional fee unless the fee charge has been ordered by the  
4 court or as required by state law.

5 (d) A probation entity, by contract with a municipal  
6 court, may collect a monthly probation supervision fee from a  
7 probationer, except that the probation fee may not be  
8 collected in advance for months of a probated sentence not yet  
9 passed and may not be collected for any month or portion of  
10 any month during which the probationer is incarcerated or  
11 participating in an in-house treatment program.

12 (e) Each time a probation entity collects a  
13 contractually authorized probation supervision fee, the  
14 probation entity shall also collect the following surcharges  
15 and disburse the surcharges to the appropriate agency of this  
16 state on a monthly basis accompanied by a monthly report  
17 itemizing each collected surcharge:

18 (1) A surcharge of five dollars (\$5) remitted to the  
19 Alabama Office of Indigent Defense Services.

20 (2) A surcharge of five dollars (\$5) remitted to the  
21 Alabama Office of Prosecution Services.

22 (f) An owner, operator, director, agent, or employee  
23 may not collect or disburse any funds under this act except by  
24 written or oral order of the court or as required by state  
25 law.

26 (g) It shall be the duty of the probation entity to  
27 collect and disburse funds and faithfully keep the records of

1 accounts as required by the court, the Administrative Office  
2 of Courts, or state law.

3 Section 17. (a) The Administrative Office of Courts,  
4 or its designated representatives, may conduct periodic  
5 inspections at any time during the established operating hours  
6 of a probation entity in order to assess and monitor  
7 compliance with this act.

8 (b) (1) The Administrative Office of Courts, or its  
9 designated representatives, may conduct investigations to  
10 determine whether a probation entity has been or is violating  
11 the requirements of this act.

12 (2) The investigations may be conducted at any site,  
13 location, or place and may be initiated at any time during  
14 operating hours or other reasonable hours and may continue  
15 during a pending administrative action initiated by the  
16 Administrative Office of Courts.

17 (3) An investigation may involve any person who may  
18 have information related to an alleged or suspected violation  
19 by a probation entity.

20 (4) Investigations may be initiated by the  
21 Administrative Office of Courts when it suspects actual or  
22 potential noncompliance with the requirements of this act on  
23 the part of a probation entity or when any person alleges  
24 facts that if true would likely constitute a violation of the  
25 requirements of this act.

26 (c) A registration application or the approval by  
27 the Administrative Office of Courts constitutes consent by the

1 registration applicant and the owner of the premises for the  
2 representatives of the Administrative Office of Courts to  
3 enter the premises for the purpose of conducting an  
4 inspection, investigation, or monitoring.

5 (d) (1) A representative of the Administrative Office  
6 of Courts shall be allowed immediate entrance and meaningful  
7 access to the probation entity premises and to sources of  
8 information determined by the Administrative Office of Courts  
9 to be pertinent to making a full compliance determination.

10 (2) This information includes, but is not limited  
11 to, all staff, all parts of the premises, and probationer  
12 records related to the initial or continued registration  
13 approval of a probation entity.

14 (e) (1) The Administrative Office of Courts may  
15 require the probation entity to provide any relevant  
16 documents, including originals when available, or photocopies  
17 or portions thereof.

18 (2) The authority under subdivision (1) extends to  
19 documents to which confidentiality or privilege otherwise  
20 would attach but any claim of confidentiality or privilege  
21 shall be preserved and may not be considered waived as a  
22 result of the access to the documents by the Administrative  
23 Office of Courts.

24 (f) Probation entity staff, employees,  
25 representatives, and any agents thereof, shall cooperate with  
26 any inspection or investigation by the Administrative Office  
27 of Courts and shall provide, without delay, any information

1 reasonably requested by the representative of the  
2 Administrative Office of Courts.

3 (g) (1) The Administrative Office of Courts shall  
4 notify in writing any probation entity found not to be in  
5 compliance with the requirements of this act and shall state  
6 the specific rule or rules violated and the factual basis for  
7 its finding of noncompliance.

8 (2) The probation entity shall correct all  
9 violations within a reasonable period of time, as determined  
10 by the Administrative Office of Courts.

11 Section 18. (a) The Administrative Office of Courts  
12 may deny, suspend, or revoke the registration approval of a  
13 probation entity for noncompliance with the requirements of  
14 this act.

15 (b) The Administrative Office of Courts shall have  
16 the authority to issue a written reprimand or assess  
17 administrative fines against any probation entity for  
18 noncompliance with the requirements of this act.

19 (c) In considering which sanctions to impose, the  
20 Administrative Office of Courts shall consider the history of  
21 compliance of the probation entity, the seriousness of the  
22 violations, whether the probation entity voluntarily reported  
23 problems giving rise to any violation, and whether the  
24 probation entity exhibited good faith efforts to correct areas  
25 of noncompliance prior to or subsequent to the discovery of  
26 noncompliance by the Administrative Office of Courts.

1 (d) The Administrative Office of Courts may base the  
2 denial, suspension, revocation, or assessment of an  
3 administrative fine upon any of the following applicable  
4 grounds:

5 (1) Knowingly making any verbal or written false or  
6 misleading statement of material fact, or knowingly omitting a  
7 material fact in connection with a registration application or  
8 in connection with an inspection or investigation.

9 (2) Failing or refusing to provide the  
10 representative of the Administrative Office of Courts with  
11 meaningful access to the probation entity premises, staff,  
12 probationer records, including refusing to provide the  
13 representatives of the Administrative Office of Courts with  
14 documents reasonably necessary to make a compliance  
15 determination.

16 (3) The applicant for registration approval having  
17 an overall poor record of compliance, including, but not  
18 limited to, denial of registration approval within the  
19 previous 12 months, registration revocation at any time in the  
20 past in this or in any other state, or registration suspension  
21 within the previous two years.

22 (4) Changing ownership of a private probation entity  
23 in order to avoid or avert the denial, revocation, or  
24 suspension of registration.

25 (5) Altering or falsifying any probation entity  
26 records.

1           (6) Failing or refusing to remit required reports as  
2 outlined by this act.

3           (7) Failing or refusing to comply with the probation  
4 entity requirements of this act or violating any law relating  
5 to the operation of a probation entity.

6           (8) Failing or refusing to abide by or comply with  
7 any order or directive issued by the Administrative Office of  
8 Courts pursuant to its authority as provided by this act.

9           (9) Failing or refusing to properly supervise its  
10 officers, agents, or employees to the detriment of the public.

11           (10) Committing any act or omission that the  
12 Administrative Office of Courts finds to be contrary to the  
13 spirit of this act or contrary to the public good.

14           (e) The Administrative Office of Courts may choose  
15 to issue a written notice of noncompliance to a probation  
16 entity for a minor or first-time violation of the requirements  
17 of this act.

18           (f) (1) The category of fine for a violation of this  
19 section shall be determined by the Administrative Office of  
20 Courts based upon the egregiousness of the violation.

21           (2) The Administrative Office of Courts may assess  
22 an administrative fine, not to exceed one thousand dollars  
23 (\$1,000) per violation, against any probation entity that  
24 fails to comply with any probation entity requirement.

25           (3) Payments of assessed fines shall be made to the  
26 Administrative Office of Courts within 30 days after notice of  
27 assessment.

1 (4) All fines collected by the Administrative Office  
2 of Courts shall be remitted to the State Treasury.

3 (5) In determining the amount of the fine, the  
4 Administrative Office of Courts may consider the seriousness  
5 of the violation, whether the same or any other probation  
6 entity requirement has been previously violated by the same  
7 probation entity owner, director, agent, or employee, and  
8 whether procedures designated to prevent the violation were in  
9 place and were followed.

10 (g) When the Administrative Office of Courts  
11 determines that a fine shall be imposed, violations shall be  
12 categorized based on the following and shall rest on whether  
13 the same or similar violation has previously been cited:

14 (1) Category I (\$100-\$300). Violations involving  
15 probation entity operating requirements, including, but not  
16 limited to, failure to maintain the required records and  
17 documentation.

18 (2) Category II (\$200-\$700). Violations involving  
19 noncompliance with probation entity registration requirements,  
20 including, but not limited to, failure to submit required  
21 periodic reports and documents.

22 (3) Category III. (\$400-\$1,000). Violations  
23 involving fraud, providing false information or documents,  
24 failure to account or produce official court documents and  
25 reports, and any violations of the law as proved by a  
26 preponderance of the evidence.

1                   Section 19. This act shall become effective on the  
2 first day of the third month following its passage and  
3 approval by the Governor, or its otherwise becoming law.