

ACLU-PA Position: Support

Bill summary

If enacted, [Senate Bill 14](#) (P.N. 59) would limit the time Pennsylvanians can be sentenced to probation (as most other states have done), reduce the amount of time spent on probation, limit incarceration following a probation revocation, and would apply these changes retroactively under certain conditions.

Bill status

Read the bill and check on the bill's status at: <http://bit.ly/PA-SB14>.

Bill details

If enacted, [SB 14](#) (PN 59) would:

Limit the amount of time a person can be sentenced to probation by:

- Capping probation terms for felonies at 5 years;
- Capping probation terms for misdemeanors at 3 years;
- Eliminating “stacked sentences” (sentencing a person to consecutive terms of probation);
- Eliminating “split sentences” (sentencing a person to a period of probation following incarceration/parole).

Reduce the amount of time a person spends on probation by:

- Requiring early termination of supervised probation after a person has served 18 months of probation without violation or revocation;
- Eliminating the ability of judges to incarcerate someone in order to “vindicate the authority of the court;”
- Prohibiting courts from extending probation terms because a person failed to pay a fine, cost, or restitution if the person is not financially able to pay.

Limit the amount of time people can be incarcerated following a revocation of their probation by:

- Instructing courts on when they can incarcerate people for probation revocations:
 - If probation is revoked for a technical or administrative violation of probation, and conduct indicates the person is likely to commit a future crime and if no other condition of supervision or treatment will decrease the likelihood of future crime, incarceration is capped at 30 days;
 - If convicted of a new misdemeanor offense, incarceration is capped at 6 months;
 - If convicted of a new felony offense, courts may use alternatives to incarceration that were available at the time of the original sentencing.

Apply these changes retroactively by:

- Allowing people serving a sentence of more than one year of incarceration as a result of a probation revocation for technical violations to petition the court for resentencing according to the new rules if:
 - The revocation and sentence of imprisonment were for an administrative violation of probation;
 - The person has had no disciplinary infractions while incarcerated;
 - The person has had no new criminal charges or convictions while on probation; and
 - The person may only petition for such a re-sentencing once, unless new conditions arise for a second petition later on.