



Why Vote NO on Senate Bill 913

Pennsylvania

Probation was originally intended to serve as an **alternative to incarceration**. But probation, like parole, functions like invisible shackles for thousands of Pennsylvanians. More than 180,000 Pennsylvanians are currently on probation, contributing to the second highest rate of community supervision in the country. Pennsylvania not only has a mass incarceration problem, it has a mass supervision problem. Legislation should slow the revolving door between probation and prison, not accelerate it. Unfortunately, Senate Bill 913 not only fails to meaningfully reform our broken probation system, it risks **making probation worse**.

SB 913 fails to reform any of the structural problems that plague Pennsylvania’s probation system, squandering a rare opportunity to meaningfully improve probation in Pennsylvania.

- SB 913 does not cap the amount of time someone can be sentenced to probation, as 43 other states do.
- SB 913 does not prohibit the use of stacked sentences, which allows judges to sentence people to consecutive (back-to-back) probation terms instead of serving them concurrently.
- SB 913 does not prohibit judges from imposing probation “tails” (when judges attach a probation term following incarceration). In fact, SB 913 reaffirms the use of split sentences.

SB 913 would change current law in ways that risk making probation worse in Pennsylvania by:

- Weakening the presumption against incarceration for technical violations, resulting in **more incarceration**.
- Keeping poor people on probation indefinitely until they can pay their restitution in full.
- Allowing for the indefinite detention of people with mental illnesses or substance abuse disorders.
- Creating obstacles to getting probation terminated early.
- Expanding probation detention authority, including to police officers, which would mean longer pretrial incarceration for probation detainees and the lodging of more detainees overall.

The core “reforms” proposed under SB 913—eliminating the “vindication” provision and creating probation review conferences—will have little to no effect on most people on probation.

- SB 913 eliminates the ability of judges to incarcerate a person on probation in order to “vindicate the authority of the court,” which has allowed judges to incarcerate people for virtually any violation.
 - But while SB 913 repeals this provision, it replaces one broken system with another, giving judges explicit permission to incarcerate people for technical violations of minor and probation rules.
 - Worse, giving judges an explicit, itemized list of reasons to revoke probation may actually **encourage** judges to revoke probation and/or incarcerate someone for a technical violation.
- SB 913 creates ‘probation review conferences’ for judges to consider whether to terminate probation early.
 - But these review conferences do not create anything that is not already available under current law—judges have the power to terminate probation at any time, for any reason, for any offense.
 - SB 913 would create a similar, but much more complicated system to get probation reviewed. The earliest anyone could get a review is after three years on probation. Some would be categorically denied a review and for those who aren’t, the eligibility requirements are so strict that most would not qualify. SB 913 goes further by explicitly prohibiting early termination for certain technical violations.
 - Worse, by setting a new benchmark at three years for a first review, SB 913 may cause judges to **deny routine petitions** for a termination hearing before reaching the 3-year threshold.

Additional resources

[ACLU-PA Memo Opposing SB 913](#)

[55 PA organizations oppose SB 913](#)

[ACLU-PA Brief | Probation Reform in PA](#)

[Probation in PA, Explained](#) (slideshow)

[ACLU-PA FAQs | Probation–Payment of Fines, Costs, and Restitution](#)

Contact: Elizabeth Randol, Legislative Director, ACLU-PA

erandol@aclupa.org