



Bill Summary: Probation Reform in Pennsylvania HB 1555 (Delozier, Harris, Jones, Gainey)

What the bill would do: If passed, HB 1555 would reform how long Pennsylvanians stay on probation, some of the conditions of probation, and the time served in prison for probation violations. FAMM supports this bill.

Bill status: This bill is not yet a law. It cannot become enacted as a law until it is approved by committees, passed by the Pennsylvania House and the Senate, and signed by the governor.

If passed, HB 1555 would:

- **Create earned credits for successful completion of probation and education:**
 - For every calendar month that a person complies with probation conditions, the term of probation would be reduced by 14 days.
 - This earned time credit would not apply to people who must register as sex offenders, but
 - It would apply retroactively, starting with the date the person went on probation.
 - People on county probation would be able earn 90 days off their term of probation if they earn a high school diploma or GED or successfully complete a certified vocational, technical, or career education or training program.
- **Permit early termination of probation for compliant probationers:**
 - When a person completes one half of the original probation sentence or two years, whichever is later, the court must review the person's record and would be permitted to reduce or terminate the period or conditions of probation, as long as the person is not delinquent in paying fines, costs, and restitution and has completed court-ordered counseling or treatment.
 - If the court does not terminate probation, the court must review the person's record every two years after that, unless the person is later convicted of a felony or misdemeanor.
- **Create statutory maximums on the lengths of probation sentences:** The bill would
 - Cap probation terms for felonies at 5 years
 - Cap probation terms for misdemeanors at 2 years
 - Ban 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 such amounts
 - Ban courts from imposing one sentence of probation consecutively (i.e., back to back) with another sentence of probation.
- **Remove two vague and counterproductive conditions of probation:**
 - That a person cannot go to "disreputable places" or visit "disreputable persons"
 - That a person must stay within the jurisdiction of the court (i.e., in the same county).

- **Create due process requirements for revocations of probation based on technical violations, including**
 - A preliminary hearing to decide if there is probable cause for the technical violation
 - Limits on how long a person can be detained for failing to appear at a preliminary hearing on a technical violation or while waiting for the hearing to happen
 - A final revocation hearing for a technical violation, held before the sentencing judge
 - The right to have a lawyer at a preliminary hearing and at a final revocation hearing for a technical violation
 - Within 10 days of receiving a sentence for a technical violation, the right to make a motion to modify that sentence.
- **Create statutory maximum terms of imprisonment for revocations of parole:**
 - Courts would not be permitted to give people sentences of total confinement unless they committed a new felony or misdemeanor, OR no other kind of supervision or treatment would reduce the likelihood that the person would commit new crimes. If confinement is imposed, it would be limited as follows:
 - Up to 7 days for a third technical violation
 - Up to 15 days for a fourth technical violation
 - Up to 30 days for fifth and subsequent technical violations.
 - For people convicted of new felony or misdemeanor offenses, courts may use any alternatives to incarceration that were available at the time of the person's original sentencing.
 - For people convicted of new misdemeanor offenses, courts may sentence the person to imprisonment for up to 90 days.
 - People would not be given imprisonment for a technical violation for
 - Testing positive for marijuana, if the person has a medical marijuana identification card
 - Associating with people who have criminal records
 - Traveling out of the jurisdiction without the court's permission, unless it is shown by clear and convincing evidence that the person traveled to permanently avoid supervision.
- **Allow retroactive resentencing for those over-sentenced for probation violations:**
 - The bill would allow people to petition for resentencing if
 - Their probation was revoked and they are currently imprisoned for that probation violation, and
 - Their prison sentence for the probation violation was longer than the statutory maximums permitted in HB 1555.
 - The person may only petition for such a resentencing once, unless new grounds arise for a second petition later on, but were not known to the person when he filed the first petition.