



Bill Summary: Probation Reform in Pennsylvania SB 5 (Sen. Bartolotta)

The bill: If passed, SB 5 would reform how long Pennsylvanians stay on probation, and the time served in prison for probation violations. **FAMM supports this bill.**

Bill Status: *This bill is not yet law.* To become law, it must be approved by committees, passed by the Pennsylvania House and the Senate, and signed by the governor. We do not know if or when this bill will become law – every year, many bills are introduced, but very few become law.

What the bill would do:

- Prevent courts from stacking probation sentences on top of each other or running probation terms consecutive to a prison or jail sentence.
- Cap probation terms at 5 years for felonies and 3 years for misdemeanors.
- 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.
- Instruct the court on how to sentence people for revocations of probation:
 - o For people convicted of new felony offenses, courts may use alternatives to incarceration that were available at the time of the original sentencing.
 - o For people convicted of a new misdemeanor, courts may sentence the person to prison for no more than 6 months.
 - o If the person's behavior indicates that they are likely to commit another crime and no other condition of supervision or treatment would reduce their likelihood of committing another crime, the court may sentence the person to a prison term of no more than 30 days.
- Require early termination of supervised probation after a person has served 18 months of probation without a violation or revocation.
- Retroactive application: The bill would allow people whose probation was revoked and who received a prison sentence of more than one year to petition the court for resentencing according to the new law if:
 - o The revocation and sentence of imprisonment were for an administrative violation of probation;
 - o The person has had no disciplinary infractions while in prison;
 - o The person has had no new criminal charges or convictions while on probation; and
 - o The person may only petition for resentencing once, unless new grounds arise for a second petition later on.

