

ACLU-PA Bill Comparison | Senate Bill 14 Original v Amended

Provision	SB 14 as filed	SB 14 as amended	Current Law	Original v Amended
<b>Caps</b> the amount of time someone can be sentenced to probation	✓	✗	<b>Under current law</b> ( <a href="#">42 Pa. C.S. § 9754(a)</a> ), people may be sentenced to a term of probation that can last up to the maximum sentence for an offense.	<b>As filed</b> , SB 14 capped the length of probation terms for felonies at 5 years and 3 years for misdemeanors. <b>As amended</b> , SB 14 eliminates this reform.
Prohibits judges from imposing <b>stacked and split probation sentences</b>	✓	✗	<b>Under current law</b> ( <a href="#">42 Pa. C.S. § 9721(a)</a> ), judges are permitted to impose consecutive probation sentences and may also sentence people to probation following a prison/parole term.	<b>As filed</b> , SB 14 prohibited judges from stacking probation sentences consecutively (back to back) and from splitting a sentence by imposing a probation tail after incarceration. <b>As amended</b> , SB 14 eliminates this reform.
Requires <b>automatic termination</b> of probation if compliant	✓	✗	Pennsylvania does not require automatic termination of probation, even under certain conditions.	<b>As filed</b> , SB 14 required automatic termination of probation after 18 months without violation or revocation. <b>As amended</b> , SB 14 eliminates this reform.
Requires judges to hold <b>mandatory probation review conferences</b>	✗	✓	<b>Under current law</b> ( <a href="#">42 Pa.C.S. § 9771 (a)</a> ), judges may already terminate probation at any time, for any reason, for any offense; and it allows for probation review hearings at any time, including by petition of the probationer.	<b>As amended</b> , SB 14 creates a process that requires judges to hold review hearings to consider terminating probation after 5 or 3 years, depending on the offense. But not only is this process easier under current law, getting an actual "review conference" is narrowly accessible, confusing to navigate, and riddled with exceptions.
Makes it easier for judges to <b>incarcerate people for probation violations</b> and allows judges to incarcerate them for longer than what current law provides	✗	✓	<b>Under current law</b> ( <a href="#">42 Pa. C.S. § 9771 (c)</a> ), courts SHALL NOT incarcerate someone for a technical violation unless "the conduct of the defendant indicates that it is likely he will commit another crime if not imprisoned." <b>Current law</b> ( <a href="#">42 Pa. C.S. § 9771.1 (g)</a> ) also caps incarceration after technical violations: 3 days after the 1st violation; 7 days after the 2nd; 14 days after the 3rd; and 21 days for the 4th and any subsequent violations.	<b>As amended</b> , SB 14 changes current law from SHALL NOT to MAY incarcerate — making it easier for judges to incarcerate people for a host of vague technical violations of probation. And it strikes the conduct provision — a necessary backstop to prevent incarceration for <i>all</i> technical violations. <b>And as amended</b> , SB 14 does limit incarceration to 14 days after a 1st technical violation and 30 days after a 2nd violation. SB 14 is <b>more punitive than current law</b> not only because its graduated sanctions allow a judge to incarcerate someone for more time after the first and second violations, but it <b>removes the limits on incarceration entirely</b> after three technical violations. And it also allows incarceration for technical violations that are not being charged as new cases or are even specific violations of a person's probation order, likely violating a recent <a href="#">PA Supreme Court ruling</a> .
Prohibits judges from incarcerating people to " <b>vindicate the authority of the court</b> "	✓	✓	<b>Under current law</b> ( <a href="#">42 Pa.C.S. § 9771 (c)(3)</a> ), judges can incarcerate someone after revoking probation if the sentence is "essential to vindicate the authority of the court."	<b>SB 14 as filed AND as amended</b> both strike this <a href="#">widely abused provision</a> that has given judges the power to arbitrarily and sometimes vindictively incarcerate people "just because."
Prohibits extending or revoking probation for <b>nonpayment of fines, costs, or restitution</b>	✓	÷	<b>Under current law</b> ( <a href="#">42 Pa.C.S. § 9754</a> ), courts can make payment of fines or restitution a condition of probation. But both the <a href="#">PA Superior Court</a> and the <a href="#">U.S. Supreme Court</a> have ruled that nonpayment of fines or restitution can only violate probation if the defendant is able but willfully refusing to pay.	<b>As filed</b> , SB 14 clarified the current statute to reflect the PA and US case law by explicitly protecting people who can't afford to pay their pay fines, costs, or restitution from having their probation extended or revoked. <b>As amended</b> , SB 14 includes a similar protection for people who owe fines or costs, but NOT restitution (see "administrative probation" below).
Keeps people who owe restitution on <b>indefinite administrative probation</b>	✗	✓	"Administrative probation" does not currently exist under PA law.	<b>As amended</b> , SB 14 creates "administrative probation" for people who still owe restitution, even if they are too poor to pay — a fundamental and likely unconstitutional change to the probation system in PA.
Makes provisions <b>retroactive</b>	✓	✗	N/A	<b>As filed</b> , SB 14 allowed people serving more than one year of incarceration for a technical violation to petition the court for resentencing under certain conditions. <b>As amended</b> , no provisions in SB 14 are retroactive.