



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

RESOLUTION NO. 190091

Introduced February 07, 2019

Councilmember Johnson

RESOLUTION

Urging the Pennsylvania General Assembly to pass Senate Bill 14, which seeks to enhance public safety and further justice by ensuring that probation decisions are fair and consistent

WHEREAS, Pennsylvania provides minimal restrictions or guidance on probation decisions. The result is that probation can last for decades—even past the maximum sentence for the given crime—and can be revoked for trivial offenses such as an unpaid traffic ticket or a dress-code violation; and

WHEREAS, Senate Bill 14 (SB14) is bipartisan effort to address these shortcomings. It represents an important step towards diminishing mass incarceration and it will save the taxpayers of Pennsylvania millions of dollars annually; and

WHEREAS, SB14 would allow Pennsylvania to join 30 other states in putting a cap on probation sentences to ensure that minor probation violations do not result in new sentences not matching the crime; and

WHEREAS, SB14 would restrict the total probation period for felonies to a maximum of five years and misdemeanors to a maximum of three years; and

WHEREAS, SB14 would reward those who follow the rules by shortening the length of probation for good behavior; and

WHEREAS, State sentencing guidelines currently apply to sentencing, but not to re-sentencing after revocation of probation. SB14 would require that the sentencing guidelines apply to both. This will limit excessively harsh and punitive prison sentences after probation is revoked. Moreover, this will provide important uniformity to the system by ensuring that all counties in the Commonwealth of Pennsylvania will enforce probation rules similarly; and

WHEREAS, SB14 would protect working and indigent people on probation by prohibiting the extension of probation terms for nonpayment of fines, costs, or restitution. Unless the court

City of Philadelphia

RESOLUTION NO. 190091 continued

makes a finding on the record that the defendant is financially able to pay and has willingly refused to do so, probationers will not have their freedom revoked for non-payment; and

WHEREAS, SB14 would ensure that when probation is revoked, the sentencing alternatives must be the same as at the time of the initial sentencing and due consideration must be given to the time spent serving the order of probation; and

WHEREAS, SB14 will reduce costs of the criminal justice system to the taxpayers by reducing its probation population. According to the Department of Justice, Pennsylvania has the third-largest number of its citizens per capita in the nation under probation or parole supervision. The Commonwealth Foundation reports that in 2015, Pennsylvania spent about \$200 million dollars a year on incarcerating and re-incarcerating people after revocation of probation; and

WHEREAS, According to the Commonwealth Foundation, most cases of recidivism occur within the first year of the start of a participant's probation. After that first year, reincarceration for probation violations has been shown to be counterproductive to the rehabilitation of the individual on probation. Reducing the Commonwealth's abnormally high probation case load will allow more resources to be focused on those individuals who pose the highest risk of recidivating, thereby enhancing public safety; now, therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, Urging the Pennsylvania General Assembly to pass Senate Bill 14, which seeks to enhance public safety and further justice by ensuring that probation decisions are fair and consistent.