

REFORM

Rethinking Probation in Pennsylvania: The Promise of Act 44

April 21, 2026

HELLO!

REFORM

REFORM ALLIANCE

We work with bipartisan coalitions, lawmakers from across the political spectrum, and directly-impacted advocates to improve supervision systems and increase public safety outcomes nationwide. We've passed 22 bills in 12 states since 2019, all related to supervision practices and all with the aim of supporting public safety.

BRIAN CROW Senior Director of Implementation

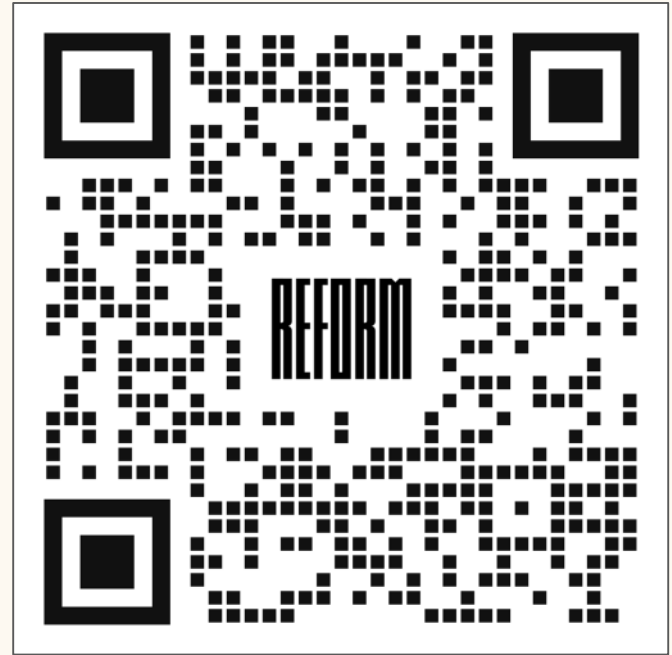
Brian has worked in criminal justice policy and legislation in a number of governmental levels, including executive level law enforcement experience. He previously served as the Executive ADA for Policy for the Manhattan District Attorney, Special Counsel and Senior Advisor to the New York State Attorney General, and Director of the Justice Division at the New York City Council. He has also worked on issues regarding implementation of legislation and policy nationwide, focusing on prosecutors and public defenders. With experience as a defense attorney, prosecutor, and legislator, Brian has experience with criminal justice legislation from many different perspectives, including from bill drafting to implementation.

Brian joined REFORM in 2024 as the Senior Director of Implementation, focusing on ensuring that the bills we help pass are implemented in multiple states including Pennsylvania.

ACT 44

- We have created tools to help navigate Act 44, including a flowchart
- We also built an app to help guide users through Act 44, and a form to submit questions about Act 44.

Find it at the link



An aerial photograph of the Pennsylvania State Capitol building, featuring its prominent green dome and classical architecture. The building is surrounded by green lawns and trees. A large, bold, white text overlay is centered over the image. The sky is blue with scattered white clouds.

RETHINKING PROBATION IN PENNSYLVANIA

THE GOALS OF PROBATION

**PREVENTING
CURRENT HARM**

**PREVENTING
FUTURE HARM**

THE GOALS OF PROBATION REDEFINED

**PREVENTING
HARM**

**PROMOTING
SUCCESS AND
WELL-BEING**

An aerial photograph of the North Carolina State Capitol building, featuring a prominent green dome and classical architectural elements like columns and pediments. The building is surrounded by greenery and a parking lot with several cars. The sky is blue with scattered white clouds. The text "WHAT IS ACT 44?" is overlaid in the center in a bold, white, sans-serif font.

WHAT IS ACT 44?

ACT 44

→ Impact probation statewide, no impact on parole

- ◆ Only applies to adults, not juveniles

→ Major features

- ◆ Individualization of probation conditions
- ◆ Limits on incarceration for minor violations
- ◆ Mandatory early termination for those who are successful on probation
- ◆ Incentives for good behavior

→ Legislation passed in late 2023 as SB 838

- ◆ Went into effect June 11, 2024
- ◆ Early termination did not functionally go into effect until June 11, 2025



WHY ACT 44?

INDIVIDUALIZATION

→ One size fits all approach does not work

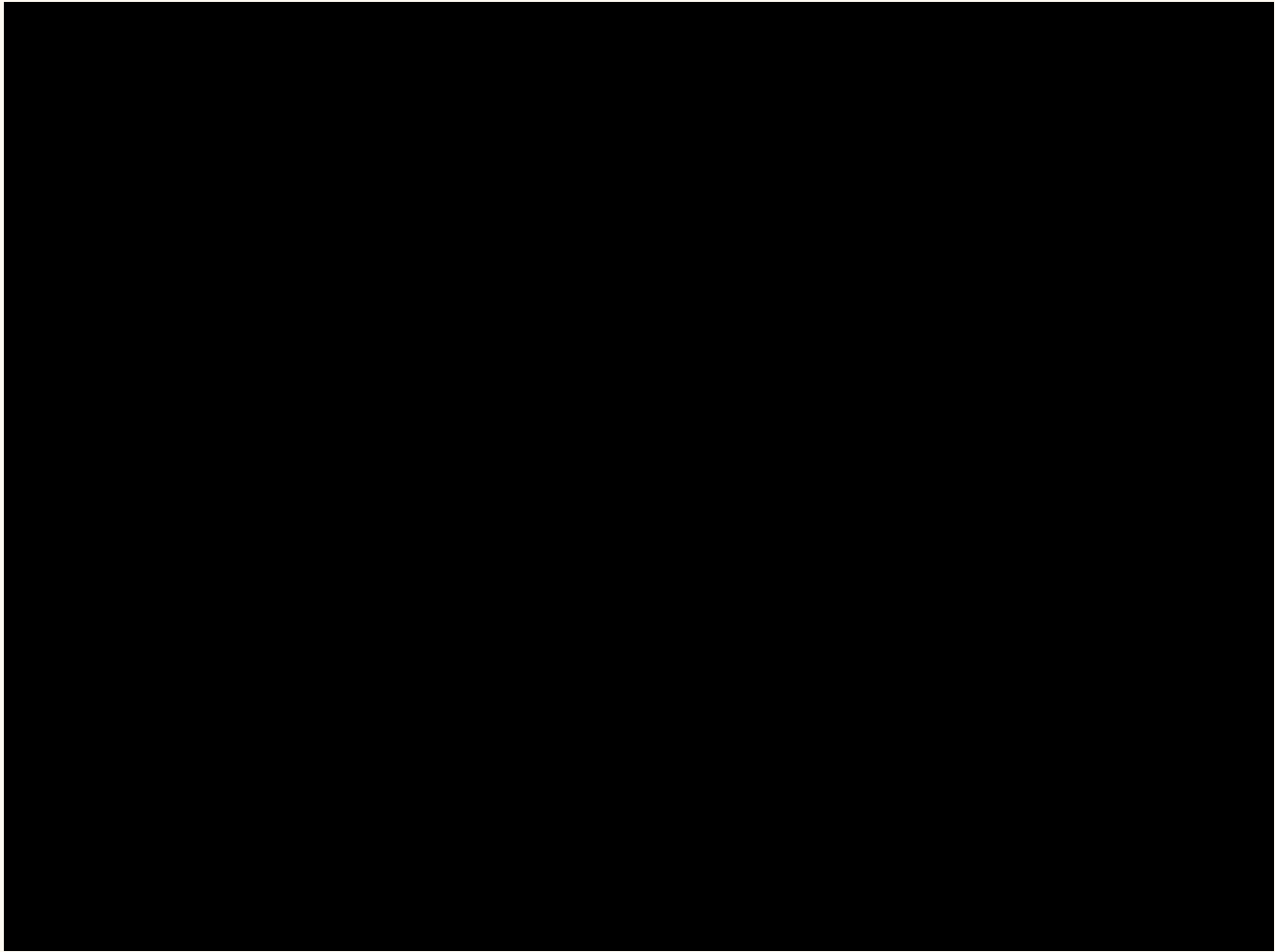
- ◆ Unnecessary conditions prevent success and well-being

→ Research shows excessive supervision does not improve outcomes, and can in fact make them worse

- ◆ “Study after study shows ex-prisoners would be better off without intense supervision” - Jennifer Doleac, Brookings Institution
- ◆ “Piling on conditions can exacerbate problems for those under supervision and make the public less safe. They often interfere with the very things that make an individual less likely to commit crime in the future.” R Street Institute

INDIVIDUALIZATION IN ACT 44

- **Act 44 requires conditions of probation be “ordered based on individualized circumstances.”**
 - ◆ Also requires the “least restrictive means necessary to promote the defendant's rehabilitation and protection of the public.”
- **For example, no drug testing should be required of a person with no specific need for it**
- **Forces probation to do more than just harm reduction**
 - ◆ Drug testing 100% of people would prevent harm. Even someone with no history of drug use might start using!
 - ◆ Eliminates conditions that prevent success and well-being



LIMITS ON INCARCERATION

→ **Technical offense = any violation of probation that is not a new conviction**

- ◆ Nationwide, 42% of all prison admissions are for parole or probation violations
- ◆ 24% of all prison admissions are for technical parole or probation violations

→ **Numerous studies show the criminogenic effect of unnecessary incarceration - it makes people more likely to commit crimes in the future**

- ◆ In the probation context, “Recent research...suggests that community sanctions for technical violations are associated with similar results compared to sanctions that include a period of incarceration.” R Street Institute

LIMITS ON INCARCERATION IN ACT 44

→ **Act 44 bans incarceration entirely for minor technical offenses, e.g. curfew violations**

- ◆ Note: 3 or more violations of minor conditions like curfews can lead to incarceration if there is no other way to safely divert the person
- ◆ There is always a presumption against incarceration for technical violations
- ◆ But new convictions are not impacted by the law: judge has unlimited discretion

→ **Also limits the use of incarceration for more serious technicals, including: sex offenses, assaults, weapons, drug sale, or 3+ failures to follow conditions**

- ◆ 14 day maximum penalty for first offense, 30 for second, unlimited for third or more

→ **Allows probation to reduce harm where necessary, but avoid unnecessary incarceration that prevents success and well-being**



EARLY TERMINATION

→ Studies show that most people either violate probation quickly or not at all

- ◆ “Offenders who violated their conditions of supervision typically did so within the first two years.” United States Sentencing Commission
- ◆ This matches most probation officers’ experiences

→ Studies also show that there is minimal benefit to supervision beyond ~ 2 years, and possibly even negative impacts by excessively long supervision

- ◆ “A growing list of high-quality studies have shown that long probation sentences are not associated with lower rates of recidivism.” Pew Charitable Trusts

EARLY TERMINATION IN ACT 44

→ Act 44 requires early termination for people who do well on probation

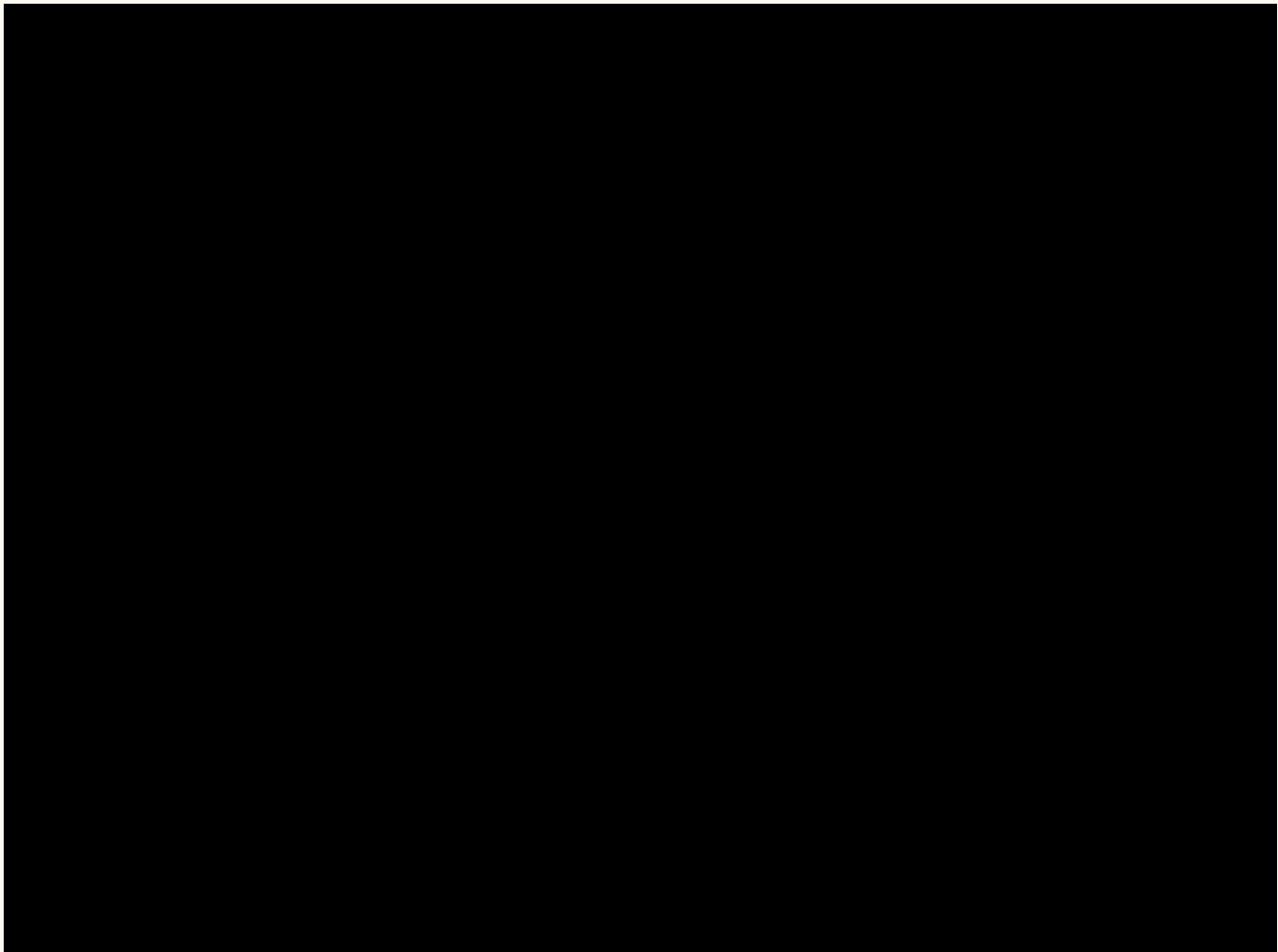
- ◆ Oversimplifying, people who are “clean” on probation are required to be terminated halfway through their sentence, or at 2 years (misdemeanor) or 4 years (felony)
- ◆ Does not matter if you owe fines and fees, but people who owe restitution are not eligible (but if they pay at least half or make good effort to pay, then must be placed on “administrative probation”)

→ The process is automatic and removes discretion

- ◆ This creates uniformity throughout the state

→ Pure harm reduction approach would never pursue early termination because a person released early could always commit a bad act

- ◆ Act 44 allows harm reduction for those who need it
- ◆ But also promotes success and wellbeing by preventing unnecessary supervision



INCENTIVES FOR GOOD BEHAVIOR

- Roughly 20 states have such policies already, including South Dakota, Kentucky, Texas, Louisiana, Florida, and South Carolina.**
 - ◆ In South Carolina, after implementation of this and other reforms, successful completion rates jumped by 15 points
- Studies consistently show that employment and education are correlated with success on probation and a lack of recidivism**
 - ◆ This also matches the lived experiences of most probation professionals

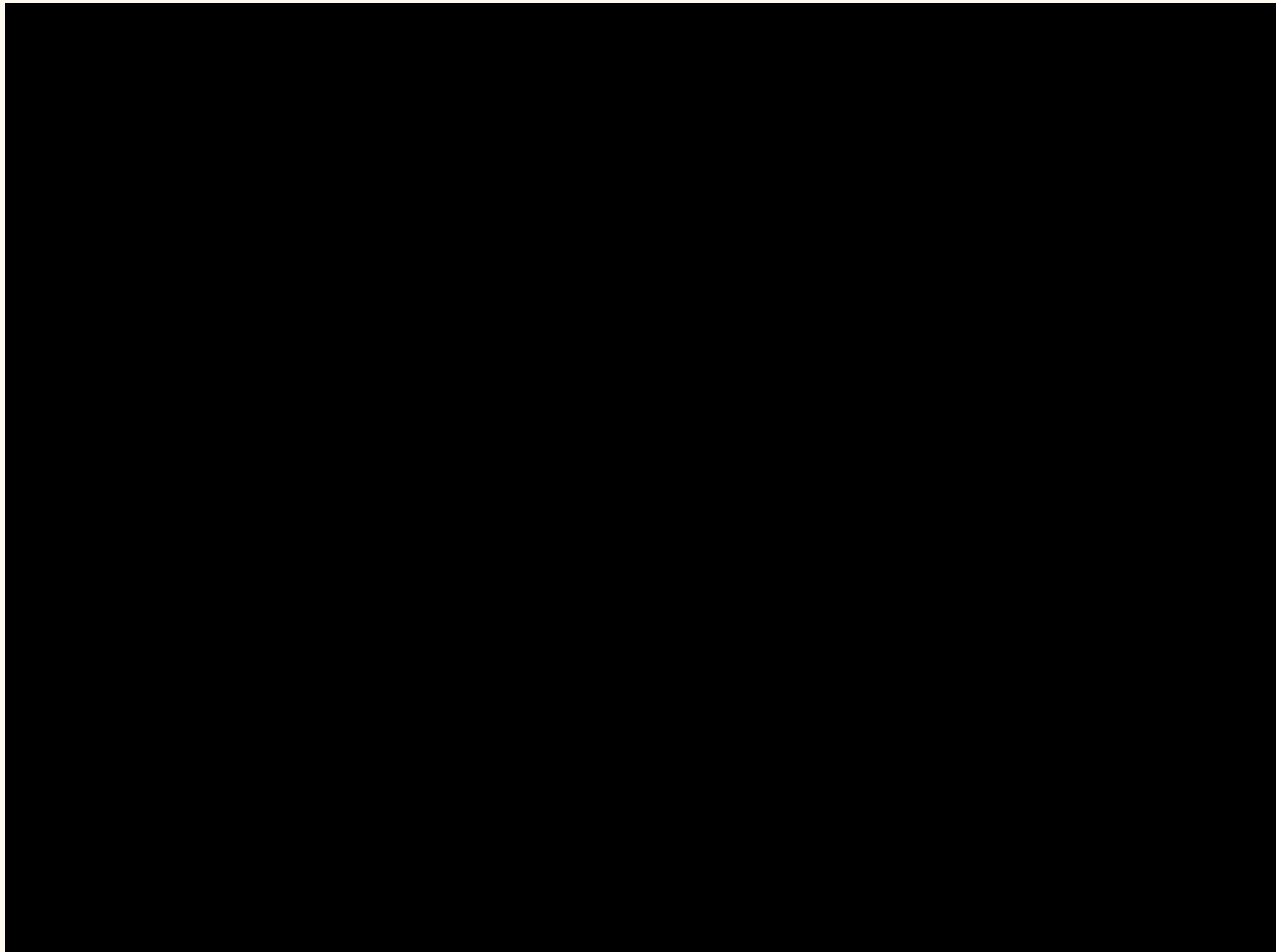
INCENTIVES FOR GOOD BEHAVIOR

→ Act 44 allows person to gain early termination 6 months earlier for good behavior, including

- ◆ High school diploma or GED or any college degree
- ◆ Completing any vocational program
- ◆ Finishing any program designed to benefit them assigned by probation

→ Those on felony probation can earn up to 2 credits or 12 months towards early termination

→ Ultimate example of promoting success and wellbeing





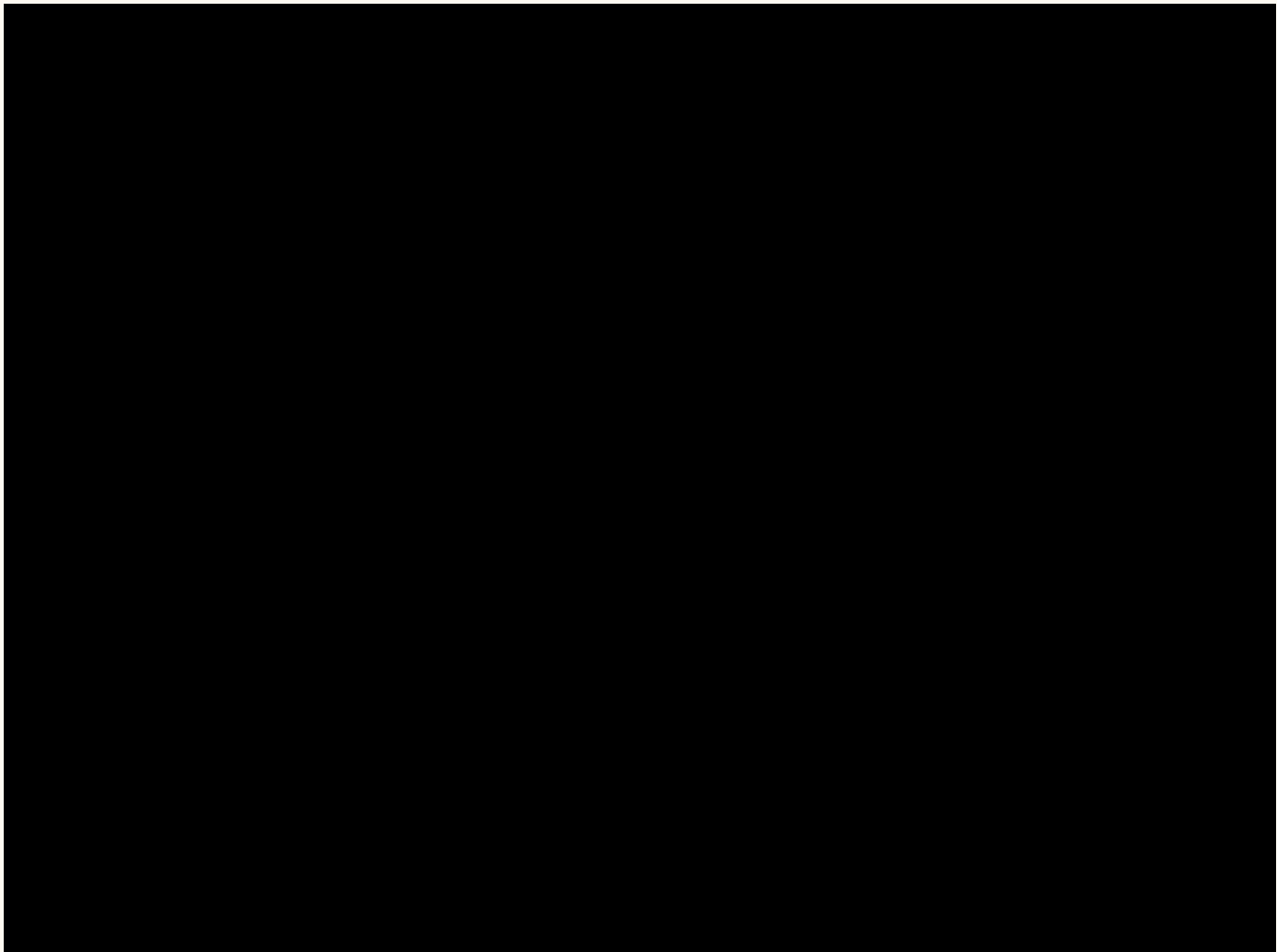
THE IMPACT OF ACT 44

IMPACT

→ We do not have reliable statewide data on the number of early terminations

- ◆ There are limitations in the court data, and probation offices are decentralized
- ◆ We are working extremely hard to get reliable statewide data to share
- ◆ However, we know that roughly 600 people received early termination in Philadelphia in 2025 due to Act 44, when the law was only in effect starting June 11 of that year. We also know that:
 - Montgomery county terminated roughly 400 cases in 2025
 - Allegheny county is on a pace to early terminate roughly 500 cases per year due solely to Act 44

→ We are currently analyzing the data on the impact of the law on the use of incarceration for probation violations. All we can say so far is that the results appear to vary significantly between counties





Q+A

ACT 44

Please reach out to us with
any questions about Act 44
at this link or email:

implementation@reformalliance.com

