Georgia Council on Criminal Justice Reform

First Probation Subcommittee Meeting

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Chenise Bonilla, Policy Analyst
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July 6, 2016
Overview

1. Introduction & Background Information
2. Georgia Felony Probation Trends
3. Georgia Misdemeanor Probation Trends
4. Next Steps
The Council of State Governments Justice Center

The Council of State Governments Justice Center provides practical, nonpartisan advice informed by the best available evidence.

National nonprofit, nonpartisan membership association of state government officials that engage members of all three branches of state government.

Justice Center provides practical, nonpartisan advice informed by the best available evidence.
What is Justice Reinvestment?

A data-driven approach to reduce corrections spending and reinvest savings in strategies that can decrease recidivism and increase public safety

The Justice Reinvestment Initiative is supported by funding from the U.S. Department of Justice’s Bureau of Justice Assistance (BJA) and The Pew Charitable Trusts
Justice reinvestment includes a two-part process spanning analysis, policy development, and implementation.

### II. Pre-Enactment

1. **Bipartisan, Interbranch Subcommittees**
   - Assemble practitioners and leaders, receive and consider information, reports and policies

2. **Data Analysis**
   - Data sources should come from across the criminal justice system for comprehensive analysis

3. **Stakeholder Engagement**
   - Complement data analysis with input from stakeholder groups and interested parties

4. **Policy Options Development**
   - Present a policy framework to reduce corrections costs, increase public safety, and project the impacts

### II. Post-Enactment

5. **Policy Implementation**
   - Identify needs for implementation and deliver technical assistance for reinvestment strategies

6. **Monitor Key Measures**
   - Monitor the impact of enacted policies and programs; adjust implementation plan as needed
Georgia’s Probation Subcommittee Membership

- Hon. Michael Boggs, Co-Chair
- Thomas Worthy, Co-Chair

- Hon. Mark Anthony Scott, Superior Court
- Rebecca Grist, Bibb County
- Hon. George Turner, Atlanta Police Department
- Hon. Margaret Washburn, Municipal Court
- Hon. Alice Padgett, Probate Court
- John Prescott Jr., Community Corrections Association
- Stan Cooper, DOC Probation Division
- Dale Allen, Athens/Clark County
- Hon. Ben Studdard, State Court
- Hon. W. Allen Wigington, Magistrate Court
- Charles Spahos, Prosecuting Attorneys’ Council
- Jimmonique R.S. Rodgers, Public Defender Council
- Scott Maurer, DCS
- Hon. Ezell Brown, Newton County
- Stephen Scarborough, Criminal Defense Attorney
- Hon. Chuck Efstration, State Representative
Other states have reinvested in recidivism-reduction strategies

<table>
<thead>
<tr>
<th>STATE</th>
<th>FINDING</th>
<th>REINVESTMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>WV</td>
<td>Substance use needs significantly contributed to probation and parole violations</td>
<td>Allocated $9 million over three years to expand access to substance use treatment for people on supervision</td>
</tr>
<tr>
<td>AL</td>
<td>People being supervised in the community who are at high risk of reoffending do not receive sufficient supervision and treatment to reduce recidivism</td>
<td>Allocated $12 million over two years in behavioral health treatment for people on supervision</td>
</tr>
<tr>
<td>NC</td>
<td>More than 50 percent of people admitted to prison were revoked from probation, and limited treatment resources were not targeted</td>
<td>Over $8 million was reprioritized to improve existing community-based treatment resources</td>
</tr>
</tbody>
</table>
Georgia’s recent history with criminal justice reform

Report of the Special Council on Criminal Justice Reform for Georgians—2011

If we did nothing…
• Projected prison growth of 8% by 2016
  – 57K to almost 60K
• Additional $264 million to expand capacity

Other Drivers…
• In 2010, more than 5,000 low-risk drug and property offenders were sentenced to the Department of Corrections, accounting for 25% of all admissions
• Pew’s 1 in 30 Report—Georgia ranked last with 1 in 13

Four Reform Packages

<table>
<thead>
<tr>
<th>2012</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult Sentencing Reform</td>
<td>Juvenile Justice Reform/Code Rewrite</td>
<td>Offender Reentry</td>
<td>Misdemeanor Probation Reform</td>
</tr>
</tbody>
</table>

Council of State Governments Justice Center | 9
Georgia’s reform efforts have involved substantial legislative and executive/administrative efforts

<table>
<thead>
<tr>
<th>Legislative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Changed the felony threshold for burglary, theft, and forgery from $500 to $1,500</td>
</tr>
<tr>
<td>Moved to weight-based drug sentencing</td>
</tr>
<tr>
<td>Mandated the electronic submission of sentence from clerk of court to Department of Corrections</td>
</tr>
<tr>
<td>Establishment of mandatory minimum “safety valves”</td>
</tr>
<tr>
<td>– Drug trafficking if certain specific provisions are met</td>
</tr>
<tr>
<td>– “Truth in pleading”</td>
</tr>
<tr>
<td>Certificates of program and treatment completion</td>
</tr>
<tr>
<td>– Presumption of due care in hiring, retaining, licensing, leasing to, or admitting to a school program</td>
</tr>
<tr>
<td>Conditional drivers’ licenses for accountability court participants</td>
</tr>
<tr>
<td>Expanded parole eligibility for nonviolent drug recidivists</td>
</tr>
<tr>
<td>Creation of administrative probation</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Executive/Administrative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capped length of stay in Probation Detention Centers (PDCs) at 180 days</td>
</tr>
<tr>
<td>– Enabled conversion of underutilized PDCs to Residential Substance Abuse Treatment beds</td>
</tr>
<tr>
<td>Automation of pre-sentence assessments</td>
</tr>
<tr>
<td>Pre-release center conversions</td>
</tr>
<tr>
<td>Day Reporting Center Lite Pilot Program</td>
</tr>
<tr>
<td>– Creative solution for rural areas</td>
</tr>
<tr>
<td>Probation Options Management (POM)</td>
</tr>
<tr>
<td>– Matching the appropriate supervision level to the offender</td>
</tr>
<tr>
<td>Appropriations—to date, over $65 million in new state appropriations</td>
</tr>
<tr>
<td>– $20 million++ per year for expanding and strengthening accountability courts</td>
</tr>
<tr>
<td>– Combination of $5 million (state) and $1 million (federal) per year for local juvenile justice incentive grants</td>
</tr>
<tr>
<td>– $10 million per year for education (technical and GED) in Department of Corrections</td>
</tr>
<tr>
<td>– $3 million per year for reentry services at Department of Community Supervision</td>
</tr>
</tbody>
</table>
Georgia experienced a decrease in the state prison population in recent years.

**Georgia Department of Corrections Population and Projections, FY-end 2011–2020**

- **52,804** Prison Population in 2011
- **52,045** Prison Population as of June 30, 2015
- **59,684** GDC population was projected to grow 8% from 2011–2016
- **53,100** Baseline Projected Prison Population for FY2020

The most recent prison population projection anticipates only 2% growth over the next five years.

GDC population had grown 21% from 2000–2011.

**Source:** Applied Research Services, Inc. Annual Prison Population Projection
While Georgia’s crime rates have decreased steadily since 2008, the overall crime rate ranks 8th-highest in the U.S.

Georgia has shown that it is possible to lower the prison population and the total index crime simultaneously.

State Rankings: Total Index Crimes

- South Carolina (4th)
- Florida (5th)
- Tennessee (7th)
- Georgia (8th)
- Alabama (9th)
- Texas (12th)
- N. Carolina (18th)

Source: Uniform Crime Reports, Index Crimes and Arrests
Despite a declining crime rate, Georgia’s correctional control rate is the highest in the nation and significantly higher than comparable states.

<table>
<thead>
<tr>
<th>State</th>
<th>National Rank</th>
<th>Total Rate</th>
<th>Probation</th>
<th>Jail</th>
<th>Prison</th>
<th>Parole</th>
</tr>
</thead>
<tbody>
<tr>
<td>Georgia</td>
<td>1st</td>
<td>7,580</td>
<td>6,161</td>
<td>550</td>
<td>686</td>
<td>334</td>
</tr>
<tr>
<td>Texas</td>
<td>5th</td>
<td>3,490</td>
<td>1,938</td>
<td>340</td>
<td>720</td>
<td>556</td>
</tr>
<tr>
<td>Alabama</td>
<td>16th</td>
<td>2,790</td>
<td>1,429</td>
<td>410</td>
<td>820</td>
<td>216</td>
</tr>
<tr>
<td>Florida</td>
<td>22nd</td>
<td>2,390</td>
<td>1,422</td>
<td>330</td>
<td>644</td>
<td>28</td>
</tr>
<tr>
<td>Tennessee</td>
<td>26th</td>
<td>2,360</td>
<td>1,239</td>
<td>530</td>
<td>566</td>
<td>266</td>
</tr>
<tr>
<td>N. Carolina</td>
<td>34th</td>
<td>2,000</td>
<td>1,181</td>
<td>240</td>
<td>465</td>
<td>130</td>
</tr>
<tr>
<td>S. Carolina</td>
<td>37th</td>
<td>1,910</td>
<td>931</td>
<td>290</td>
<td>552</td>
<td>39</td>
</tr>
</tbody>
</table>

Probation drives the high rate of correctional control in Georgia.

All rates are per 100,000 adult residents, ages 18 years or older.

Georgia has the highest probation rate in the country—almost 4 times the national probation rate.

In the Southeast region, Georgia’s prison rate is comparable to other states, but the probation rate is between 4 and 6 times higher than its neighbors.

Probation Rates, 2014

<table>
<thead>
<tr>
<th>Southeastern States</th>
<th>Probation Rate</th>
<th>Prison Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Georgia</td>
<td>6,161</td>
<td>686</td>
</tr>
<tr>
<td>Kentucky</td>
<td>1,587</td>
<td>615</td>
</tr>
<tr>
<td>Mississippi</td>
<td>1,517</td>
<td>788</td>
</tr>
<tr>
<td>Alabama</td>
<td>1,429</td>
<td>820</td>
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<td>465</td>
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<td>931</td>
<td>552</td>
</tr>
</tbody>
</table>

*All rates are per 100,000 adult residents, ages 18 years or older

The number of misdemeanor cases has fallen in recent years, but felony probation and parolee populations continue to rise.

Georgia’s Supervised Cases and Populations, CY2005–CY2015

December 2014
Georgia’s Supreme Court ruled that state law does not authorize the tolling of misdemeanor probation sentences, which led to the cancellation of tens of thousands of arrest warrants for absconders as well as the release of misdemeanants in jail for noncompliance.

Georgia places four times more adults on felony and misdemeanor probation per capita than the U.S. average.

Understanding Georgia’s exceptional probation rate requires looking at factors affecting number starting probation, lengths, and sentencing.

**Felony Probation**

- **Starts**
  - Does Georgia put more people on probation than other states?
  - 45,835 placements in CY2015

- **Lengths**
  - Are probation sentence lengths longer than the national average?
  - Average sentence length is 6.3 years
  - Average length of stay is 4.1 years

- **Sentencing**
  - Are more people sentenced to probation in lieu of prison, or in addition to prison, compared to other states?
  - 8th-highest prison incarceration rate per 100,000 adults

**Misdemeanor Probation**

- **Starts**
  - 211,541 placements in CY2015

- **Lengths**
  - Average sentence length is not yet known
  - Average length of stay is 10.5 months

- **Sentencing**
  - 5th-highest jail incarceration rate per 100,000 adults

Guiding questions for Georgia’s probation subcommittee

1. Have we adequately determined the use of probation?

2. What are Georgia’s goals for the different forms of probation supervision (misdemeanor and felony, split sentence)?
   - Why is Georgia’s probation rate so much higher than every other state?
     - Number sentenced?
     - Length of supervision terms?
   - How do Georgia’s probation supervision practices compare to other states and to best practices?
   - Is Georgia maximizing its limited corrections dollars to get the best public safety returns?

3. How might Georgia’s probation policies and practices become more effective at reducing crime and recidivism?
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Number of people beginning a term of felony probation has actually declined in recent years.

Probation Starts by Type, FY2010–2015

6-percent decline from peak in FY2013–FY2015

Direct to Probation: 54% for FY2010, 54% for FY2012, 54% for FY2013, 54% for FY2014, 54% for FY2015

Split to Probation: 39% for FY2010, 39% for FY2012, 39% for FY2013, 39% for FY2014, 39% for FY2015

Unknown/Not Reported: 7% for FY2010, 7% for FY2011, 7% for FY2012, 7% for FY2013, 7% for FY2014, 7% for FY2015

Source: Georgia Department of Corrections Probationer Statistical Profile for Probation Starts, FY 2010 – FY 2015
Unlike most states, Georgia does not limit length of probation sentence beyond base offense penalty.

**32 States with Maximum Probation Term Caps of Five Years or Less**

- NJ
- OH
- DE
- FL
- WV
- UT
- IL
- AL
- NE
- NV
- NH
- CA
- IA
- CT
- OK
- MI
- MO
- KS
- WA
- ND
- NM
- SC
- MD
- LA
- KY
- NY
- MS
- ME
- NC
- OR
- VT
- WY

* Many states exempt some crimes from the cap

**14 States with No Probation Term Cap of Five Years or Less**

- GA
- MA
- CO
- MT
- PA
- ID
- IN
- RI
- TN
- MN
- WI
- SD
- VA
- AR

*Max probation term is often the statutory max sentence

**GA-specific policies**

- §42-8-37 allows for early probation termination, but how often this occurs needs further analysis
  * Judges may include an automatic early termination in original sentence

- §17-10-1 states active probation supervision shall terminate no later than two years, with some exceptions

For certain serious offenses, there is a one-year mandatory probation term, which likely follows a prison term.

Source: National Conference of State Legislatures, "Probation Term Maximums," August 2015
About three-fourths of the felony probation population has sentence lengths that are five years or more.

**Probation Length**

What is the relationship between length of time on supervision and likelihood of criminal activity?

- What portion of this group has been on supervision for two or more years?
- How many of the lengthier probation sentences are tied to the recidivist sentencing act (§17-10-7)?

Source: Georgia Department of Corrections Profile_Probationers_2015_06.pdf
Split Sentencing

Georgia has a large and growing number of people in or admitted to prison with a split sentence.

As of May 2016, 73.5% of the standing population has a split sentence, with probation supervision to follow release.

Proportion of Inmates Admitted to Prison with Split Sentence, FY2011-2015

Source: Georgia Department of Corrections Inmate Statistical Profile, Admissions for FY2011–FY2015

<table>
<thead>
<tr>
<th>Year</th>
<th>Proportion</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY2011</td>
<td>66%</td>
</tr>
<tr>
<td>FY2012</td>
<td>81%</td>
</tr>
<tr>
<td>FY2013</td>
<td>83%</td>
</tr>
<tr>
<td>FY2014</td>
<td>83%</td>
</tr>
</tbody>
</table>

Probable Release Type

<table>
<thead>
<tr>
<th>Type</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other</td>
<td>1%</td>
</tr>
<tr>
<td>Maxout</td>
<td>4%</td>
</tr>
<tr>
<td>Parole</td>
<td>13%</td>
</tr>
<tr>
<td>Probation</td>
<td>23%</td>
</tr>
<tr>
<td>Parole, followed by probation</td>
<td>59%</td>
</tr>
</tbody>
</table>

Source: Council of State Governments Justice Center
Recidivism rates are better for people sentenced to probation compared to incarceration.

Source: Georgia Department of Corrections, "3-Year-Reconviction-Fiscal-Years.pdf"
For nonviolent offense types, probation provides a better opportunity than prison to increase public safety.

Releases of nonviolent inmates (includes property, drug, other) from state prison FY2015:

- 11,097

26% prison recidivism rate = 2,885 recidivists

Hypothetically:

23% probation recidivism rate = 2,552 recidivists (333 fewer recidivists)

Public safety is improved as recidivism rates decline, and the key is ensuring people are diverted to probation when incarceration is not necessary.

Source: Georgia Department of Corrections "Profile_Inmate_Releases_FY2015.pdf" and "3-Year-Reconviction-Fiscal-Years.pdf"
North Carolina and Texas used justice reinvestment process to strengthen probation and improve outcomes

<table>
<thead>
<tr>
<th>Policy Options</th>
<th>Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Require use of risk assessment to guide supervision</td>
<td>175 new probation officers in FY2014 &amp; FY2015</td>
</tr>
<tr>
<td>Establish intermediate sanctions for technical violations</td>
<td>50% drop in probation revocations</td>
</tr>
<tr>
<td>Reinvest $8M into community-based treatment</td>
<td>11% drop in crime between 2011–2013</td>
</tr>
<tr>
<td>Reduce the length of incarceration in prison for technical violators</td>
<td>8% drop in the prison population</td>
</tr>
<tr>
<td>$241M reinvested in residential and outpatient programs for people on probation with substance use issues</td>
<td>$560M averted costs and savings by FY2017</td>
</tr>
<tr>
<td>Reduce probation terms for property and drug crimes from a max of 10 years to 5 years</td>
<td>Prison population declined by 4,500 people between FY2007 and FY2015</td>
</tr>
<tr>
<td>Progressive sanctions to respond effectively to supervision violations to divert violators from prison</td>
<td>$340M in averted operational costs</td>
</tr>
</tbody>
</table>

Source: Council of State Governments Justice Center, Justice Reinvestment in North Carolina: Analysis and Policy Framework to Reduce Spending on Corrections and Reinvest in Strategies to Increase Public Safety, April 2011
Georgia makes a relatively low investment in probation supervision relative to other forms of correctional control

- **Prison**: $20,509*
- **Accountability Courts**: $3,057*
- **Parole**: $1,640*
- **Felony Probation**: $672*

*annual cost per person

Source: Georgia Department of Corrections FY2014 Allocation of Cost to Inmates, Probationers, etc; Georgia Board of Pardons and Paroles FY 2015 Annual Report; SAC Accountability Court Data report, Criminal Justice Coordinating Council, November 2013
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Who manages misdemeanor probation in Georgia?

772 Courts in Georgia with Misdemeanant Sentencing Jurisdiction

<table>
<thead>
<tr>
<th>Category</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Magistrate</td>
<td>89</td>
</tr>
<tr>
<td>Municipal</td>
<td>372</td>
</tr>
<tr>
<td>Probate</td>
<td>87</td>
</tr>
<tr>
<td>Recorder’s</td>
<td>5</td>
</tr>
<tr>
<td>State</td>
<td>71</td>
</tr>
<tr>
<td>Superior</td>
<td>145</td>
</tr>
<tr>
<td>Traffic</td>
<td>3</td>
</tr>
</tbody>
</table>

- 639 courts have contracts in place with private companies to provide misdemeanor probation services (31 different providers)
- Remaining 133 courts have misdemeanor probation services provided through local government agency (municipal/county)

An additional layer of complexity is that there are locales where a blended approach of local government and contracts with private providers are used to meet the county’s misdemeanor probation needs.

Source: Georgia Department of Community Supervision
There were more than 210,000 cases added to misdemeanor probation in 2015, with over $121 million in collections.

Misdemeanor Probation in Georgia, 2015

211,541 Cases added
268,707 Cases closed

$121 million
Collected in fines, fees, restitution and GCVEF payments

Types of fees
- Supervision fees
- Rehabilitation program fees
- Electronic monitoring fees
- Drug/alcohol detection device fees
- Drug/alcohol screen fees
- Evaluation for treatment fees
- Other fees (e.g. administrative, public defender, probation user, case set-up, risk assessment, probation orientation, etc.)

Source: Georgia Department of Community Supervision
There are over 40 traffic offenses classified as misdemeanor under Title 40, the majority of which are low-level offenses.

In Georgia, misdemeanors are subject to probation or jail for up to 12 months and/or up to a $1,000 fine.

<table>
<thead>
<tr>
<th>Statute</th>
<th>Offense</th>
</tr>
</thead>
<tbody>
<tr>
<td>40-6-6(e)</td>
<td>Operation of emergency vehicle with unauthorized flashing lights</td>
</tr>
<tr>
<td>40-6-25</td>
<td>Display of unauthorized signs, signals, or markings</td>
</tr>
<tr>
<td>40-6-97</td>
<td>Pedestrians soliciting rides or business</td>
</tr>
<tr>
<td>40-6-184</td>
<td>Impeding traffic flow; minimum speed in left-hand lanes</td>
</tr>
<tr>
<td>40-6-200</td>
<td>How vehicles to be parked; powers of Department of Transportation &amp; local authorities</td>
</tr>
<tr>
<td>40-6-202</td>
<td>Stopping, standing, or parking outside of business or residential districts</td>
</tr>
<tr>
<td>40-6-208</td>
<td>Parking areas for passengers of rapid rail or public transit buses</td>
</tr>
<tr>
<td>40-6-292</td>
<td>Manner of riding bicycle; carrying more than one person</td>
</tr>
<tr>
<td>40-6-293</td>
<td>Clinging to vehicles</td>
</tr>
<tr>
<td>40-6-294</td>
<td>Riding on roadways and bicycle paths</td>
</tr>
<tr>
<td>40-6-295</td>
<td>Carrying articles on bicycles</td>
</tr>
<tr>
<td>40-6-296</td>
<td>Lights &amp; other equipment on bicycles</td>
</tr>
<tr>
<td>40-6-313</td>
<td>Clinging to other vehicles</td>
</tr>
<tr>
<td>40-6-314</td>
<td>Footrests and handlebars</td>
</tr>
<tr>
<td>40-6-315</td>
<td>Headgear and eye-protective devices for riders</td>
</tr>
<tr>
<td>40-6-361</td>
<td>Traffic laws applicable to low-speed vehicles</td>
</tr>
<tr>
<td>40-6-362</td>
<td>Operating low-speed vehicles on highway</td>
</tr>
<tr>
<td>40-6-363</td>
<td>Safety equipment required for personal transportation vehicles</td>
</tr>
<tr>
<td>40-8-8</td>
<td>Speedometer</td>
</tr>
<tr>
<td>40-8-21</td>
<td>Light requirements applicable to wreckers</td>
</tr>
<tr>
<td>40-8-22</td>
<td>Headlights</td>
</tr>
<tr>
<td>40-8-23</td>
<td>Taillights</td>
</tr>
<tr>
<td>40-8-24</td>
<td>Reflectors</td>
</tr>
<tr>
<td>40-8-25</td>
<td>Brake lights and turn signals required</td>
</tr>
<tr>
<td>40-8-26</td>
<td>Standards for brake lights and signal devices</td>
</tr>
<tr>
<td>40-8-28</td>
<td>Lights on parked vehicles</td>
</tr>
<tr>
<td>40-8-30</td>
<td>Standards for multiple-beam road lighting equipment</td>
</tr>
<tr>
<td>40-8-34</td>
<td>Color in lighting equipment</td>
</tr>
<tr>
<td>40-8-35</td>
<td>Operating low-speed vehicles on highway requires</td>
</tr>
<tr>
<td>40-8-70</td>
<td>Horns and warning devices</td>
</tr>
<tr>
<td>40-8-71(a)</td>
<td>Exhaust system requirements</td>
</tr>
<tr>
<td>40-8-71(b)</td>
<td>Vehicle engine to be equipped and adjusted to prevent excessive fumes or smoke</td>
</tr>
<tr>
<td>40-8-72(a)</td>
<td>Mirrors (generally)</td>
</tr>
<tr>
<td>40-8-73(b)</td>
<td>Windshield wiper required</td>
</tr>
<tr>
<td>40-8-73(c)</td>
<td>Maintenance of windshield wiper</td>
</tr>
<tr>
<td>40-8-75</td>
<td>Tire covers</td>
</tr>
<tr>
<td>40-8-181</td>
<td>Visible emissions from vehicles on public roadways prohibited; exceptions (see 40-8-183)</td>
</tr>
<tr>
<td>40-6-391</td>
<td>Driving under the Influence (3rd in 10 years)</td>
</tr>
<tr>
<td>40-6-186(b)</td>
<td>Racing on Highway or Streets</td>
</tr>
<tr>
<td>40-6-393(c)</td>
<td>Homicide by Vehicle Second Degree</td>
</tr>
<tr>
<td>40-6-393.1</td>
<td>Feticide by vehicle-Second Degree</td>
</tr>
<tr>
<td>40-6-395</td>
<td>Misdemeanor fleeing or attempting to elude police officer</td>
</tr>
<tr>
<td>40-6-397</td>
<td>Aggressive Driving</td>
</tr>
</tbody>
</table>
Utah recently reclassified over 250 moving vehicle misdemeanor offenses to infractions, excluding dangerous driving violations.

Utah’s reform efforts allow the state to 1) focus resources on higher-level offenses and 2) prevent people convicted of minor traffic offenses from interacting with more serious offenders.

Class B
- Up to 6 months in jail and/or up to 12 months on misdemeanor probation
- No proof of insurance
- No evidence of ownership
- No registration
- Bridge violation

Class C
- Up to 3 months in jail and/or up to 12 months on misdemeanor probation
- Failure to turn on headlights
- Tail light violation
- Failure to observe no passing zone
- Improper passing on left of vehicle

Infraction
- No imprisonment or misdemeanor probation & fines up to $750

Research question moving forward: Is Georgia in the minority of states that classify certain traffic violation offenses as misdemeanors?

Overview

1. Introduction & Background Information
2. Georgia Felony Probation Trends
3. Georgia Misdemeanor Probation Trends
4. Next Steps
Summary of Georgia’s probation trends

Highest probation rate in the country

Three key drivers appear to be:

1. Use of felony probation as both an alternative to prison and in addition to prison (i.e. split sentences)
2. Lengthy felony probation sentences longer than the national average
3. Misdemeanor placements to probation for traffic offenses
### Felony Probation
- What is driving lengthy felony probation terms? Particular offense types? Recidivist sentencing? Split sentencing?
- Recidivism rates regular probation sentences vs. split sentences, by risk level?
- What impact on jail populations are presented by felony probationers?

### Misdemeanor Probation
- How does Georgia compare to other states in how it treats traffic violations as misdemeanor offenses?
- What does the length of supervision look like for misdemeanor probationers?
- What impact on jail populations are presented by misdemeanor probationers?
Proposed timeline for Georgia’s Probation Subcommittee

**2017 Session**

- **Jun**: Subcommittee Meeting 1
- **Jul**: Subcommittee Meeting 2: Stakeholders Present
- **Aug**: Subcommittee Meeting 3
- **Sep**: Subcommittee Meeting 4
- **Oct**: Council Meeting
- **Nov**: Subcommittee Meeting 5
- **Dec**: Bill Introduction

**Data Analysis**
- Initial Analysis
- Detailed Data Analysis
- Impact Analysis

**Policymaker and Stakeholder Engagement**
- Solicit Anecdotal Information
- Policy Options Development
- Ongoing Engagement
Thank You

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