



**A STATE-BY-STATE SAMPLING  
OF  
STATE LEGISLATION  
ON THE USE OF  
INTERMEDIATE SANCTIONS  
BY PROBATION AND PAROLE**

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**The Council of  
State Governments**



**The  
American Probation  
and  
Parole Association**

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**U.S. Department of Justice  
National Institute of Justice**

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## INTRODUCTION

The drastic increase in prison populations has forced correctional officials to look for alternatives to building additional prisons. Approximately 128,000 new prison cells are currently under construction at an estimated cost of \$6.7 billion (Davis 1989). Building more prisons is not the answer to resolving the prison crowding problem. ACQUISITIONS

Intermediate sanctions were developed in the 1980s as the primary solution to prison crowding. Today, intermediate sanctions are credible and viable alternatives to imprisonment. Public safety is provided through supervision and close monitoring of the offender while in the community.

Intermediate sanctions generally refer to a range of sanctions imposed upon offenders subsequent to adjudication proceedings. Intermediate sanctions can be mandated by the courts as an alternative to incarceration; imposed by parole boards as a condition of parole, serving as a deterrent to further reincarceration; or administered by probation departments as an offender management tool, thus reducing further clogging of court and parole board dockets. Sanctions can be used in a number of settings within the criminal justice system depending upon the employing state or agency's purpose.

Intermediate sanctions are more cost-effective than traditional incarceration. They can be tailored to meet the needs of the offender, the supervising agency and the community.

In the past twelve months the American Probation and Parole Association (APPA) contacted state legislators and legislative staff in efforts to obtain information concerning legislation on criminal justice issues. This paper is a state-by-state sampling on intermediate sanctions as they are incorporated by probation and parole.

In the process of requesting this information, it became apparent that states did not refer to similar programs in a uniform manner. The following pages are a compilation by state of community-based sanctions, sentencing alternatives, intermediate sanctions or alternatives to incarceration.

The following information does not necessarily suggest that this is a complete assessment of states' legislation, instead it represents a sampling of state legislation. Efforts were made to ensure as much as possible that the information was current through November, 1991.

If further information is desired regarding specific legislation, you may contact that state directly. The Appendix contains the name, address and telephone number of each contact person providing that state's information.

A SAMPLING OF STATE LEGISLATION ON INTERMEDIATE SANCTIONS

TOPIC	BILL #/ CITATION	SUMMARY	STATUS
Alternative Incarceration Programs	AK HB 174	This sanction appears to be a "catch-all" for various alternative programs.  Relates to sentencing and the service of sentences; provides for alternative incarceration programs including a pilot program.	Pending; Sponsor: Koponen
	CT PA 90-261/ Ch. 952 § 53a-39a	Concerns the supervised home release program, the special alternative incarceration program, costs of drug testing and a study, grant programs, pretrial release and intensive probation and parole programs.	Enacted
	DE DE Law 11-4204	Provides for five levels of sanctions.	Enacted
	DC Law 8-142	Establishes a Criminal Justice Commission to study community-based alternatives to incarceration.	Enacted
	MI SB 614	Relates to the development of special alternative incarceration acts.	Failed
	NH RSA § 651-A:23(V)	Relates to short-term confinement as a special alternative incarceration program for prison-bound offenders.	Enacted
	HB 410	Provides for alternatives to incarceration and requires the Commissioner of Safety to review and make legislative recommendations on the point system as it applies to offenders.	Pending; Sponsor: Jasper
	NM HB 557	Provides for a special incarceration alternative program for certain felony offenders.	Enacted
	NY Art. VII, #118	Provides for alternatives to incarceration by establishing a comprehensive program of community corrections.	Pending; Sponsor: Governor's Budget Bill
	OK 57 OS § 365	Provides for pre-parole conditional supervision program.	Enacted

A SAMPLING OF STATE LEGISLATION ON INTERMEDIATE SANCTIONS

TOPIC	BILL #/ CITATION	SUMMARY	STATUS
Alternative Sanctions	OR ORS § 423.552, 423.553 & 423.554	Provides for community sanctions and alternatives fund for parolees.	Enacted
	RI RIGL § 42-56- 20.2	Provides for community confinement for some offenders.	Enacted
	TN TCA § 40-20- 206	Relates to the offender's release to division of community services upon sentence completion to a special alternative incarceration unit program.	Enacted
	TCA § 40-20- 201, 207	Establishes boot camp programs for felony offenders sentenced to six year or less.	Enacted
	TX HB 1674	Relates to the authority of the court to order a convicted felon to participate in an alternative incarceration program.	Enacted
	VT SB 300/Act 291; SB 153/Act 288	Establishes community-based alternatives to incarceration.	Enacted
	WY HB 16	Authorizes the board of charities to establish alternative incarceration programs for inmates; program participation is subject to the conditions of probation and parole.	Pending; Sponsor: Chamberlain
		Any alternative that serves as a means of reducing jail/prison crowding.	
	AR Act 378-1975	Establishes the Alternative Service Act.	Enacted
	CO HB 91-1173	Provides for a system of punitive sanctions for offenders that test positive on subsequent tests.	Enacted
	HB 90-1327	Provides a plan that implements measures to reduce prison crowding.	Enacted
	CT PA 90-213	Concerns community service labor program, bail reform, probation officer caseloads, payment of fees and child support enforcement.	Enacted
	DE DE Law 11- 4204	Provides for five levels of sanctions.	Enacted

A SAMPLING OF STATE LEGISLATION ON INTERMEDIATE SANCTIONS

TOPIC	BILL #/ CITATION	SUMMARY	STATUS
<p>Authority for Probation/ Parole Officers to use "Suitable Methods"</p>	FL HB 355	Provides for Substance Abuse Punishment Programs for drug-involved offenders.	Pending; Sponsor: Sindler
	NE No. 729	Provides for the adoption of the Community Punishment Act.	Failed
	OR ORS § 423.552, 423.553 & 423.554	Promotes the development of programs and facilities that provide alternative sanctions and structured programs in the community.	Enacted
	PA 42Pa.CSA § 1520	Establishes adjudication alternative program for offenders.	Enacted
	TN TCA § 40-36-101, 306	Establishes community corrections programs for felony offenders sentenced to 8 years or less.	Enacted
	TX SB 1596	Relates to reducing overcrowding in jails and promoting a more effective state criminal justice system.	Enacted
	WI WS § 301.048 & 973.032	Creates intensive sanctions program as an intermediate level between prison incarceration and probation or parole.	Enacted
	WY 92 HB 16	Provides for the development of alternative corrections programs.	Pending; Sponsor: Chamberlain
		A broad statement that most likely permits probation/parole agencies to impose limited sanctions for noncompliance.	
		Authorizes probation and parole officers to use suitable methods to benefit the offender under supervision.	Enacted
	Requires use of continuum of sanctions for violation of post-prison supervision, including house arrest, electronic surveillance and more.	Enacted	

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TOPIC	BILL #/ CITATION	SUMMARY	STATUS
Boot Camps	TN TCA § 40-35-104	Provides for other alternative sanctions.	Enacted
	VA VCA § 53.1-145	Allows probation and parole officers discretion in ways of assisting parolees.	Enacted
		<p>Also known as, "Shock Incarceration." Programs of specified duration based upon military boot camp models. Strict discipline, obedience, conditioning, education, development of self-respect and teamwork are some components of these programs. Normally, used as an alternative sentence to traditional prisons, but could be used as a sanction if so authorized.</p>	
	AR Act 492-1989	Provides for boot camps.	Enacted
	CO Art.27.7 of Title 17, CRS	Establishes a Regimented Inmate Discipline and Treatment Program (Boot Camp).	Enacted
	CT 90 HB 5903/ SB 10	Provides for alternative incarceration units (boot camps).	Failed
	FL FS § 958.03	Provides for the operation of boot camps.	Enacted
	GA § 42-8-35.1/ SB 177	Provides for a special alternative incarceration for boot camps.	Enacted
	IL HB 2685/ PA 86-1182	Provides for a special alternative incarceration for boot camps.	Enacted
IN PL 94-1990, IC 11-14	Provides boot camp programs for youthful offenders.	Enacted	
IA HF 2452	Creates a Crime Omnibus Bill and includes boot camp programs.	Pending; Sponsor: House Judiciary & Law Enforcement Committee	

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TOPIC	BILL #/ CITATION	SUMMARY	STATUS
	KS SB 49/SB 596	Establishes boot camps for offenders.	Enacted
	ME LD 1728	Provides for a sentence of intensive discipline and regimentation modeled on military basic training for a maximum of 120 days.	Failed
	MD 1991 Budget	Provides shock incarceration programs (boot camps) for young male first-time offenders of nonviolent crimes.	Enacted
	MI SB 334/SB 335	Expands the use of boot camps now in use for probationers to prison inmates.	Pending; Sponsor: Welborn
	NV NRS 176.145	Provides for Regimental Discipline Programs.	Enacted
	NH RSA § 651.2	Establishes shock incarceration or boot camps.	Enacted
	NC NCGS § 115A-1343.1 & § 15A-1343(b1) (2a)	Establishes a military style discipline program with emphasis on self-respect.	Enacted
	OH SB 258	Establishes community-based correctional programs to include boot camps.	Enacted
	OK 22 OS § 996	Establishes the Delayed Sentencing Program; offenders confined to correctional custody pending sentencing may enter the RID program.	Enacted
	PA Act 1990-215	Provides for motivational boot camps for certain youthful offenders.	Enacted
	TN TCA § 40-20-201, 207	Establishes boot camp programs for felony offenders sentenced to six years or less.	Enacted
	VA VCA § 53.1-67.1	Establishes the Boot Camp Incarceration Program.	Enacted
	HJR 162	Establishes a study for the use of local boot camps.	Pending; Sponsor: Hall



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TOPIC	BILL #/ CITATION	SUMMARY	STATUS
Community Confinement	WI WS § 302.045	Creates the Challenge Incarceration Program for youthful offenders.	Enacted
	RI RIGL § 42-56-20.2	A sentencing alternative or sanction which restricts an offender to designated community borders.	
	TN TCA § 40-35-104(b)	Provides for local jail contracts to incarcerated felons.	Enacted
Community Control Program	Synonymous with Home/House Arrest with possible variations.		
	FL HB 3711	Relates to the placement of offenders in community programs; terms and conditions of probation.	Enacted
	KY HB 123	Provides for community corrections programs for offenders.	Pending; Sponsor: Lear
	KS KSA § 21-4611 & 21-4602	Provides community corrections programs as a condition to probation.	Enacted
	UT UCA § 64-13-21	Relates to the supervision of sentenced offenders placed in the community.	Enacted
VT VSA 28 § 352		Authorizes the supervision of offenders in a community setting.	Enacted
VA VCA § 53.1-180 et. seq.		Creates the Community Diversion Incentive Act, a comprehensive program for incarceration alternatives.	Enacted

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TOPIC	BILL #/ CITATION	SUMMARY	STATUS
Community Correction Center/ Detention Center		Very similar to Day Reporting Centers. Community Corrections Centers offer most of the same services as Day Reporting Centers. However, it is possible that higher risk offenders may be assigned to Community Corrections Centers that offer 24 hour increased supervision.	
	CA § 6250	Establishes community correctional centers and authorizes the Director of the Department of Corrections to operate the center.	Enacted
	SB 2000	Establishes a Substance Abuse Community Correctional Detention Center.	Enacted
	CO Art. 27 of Title 17, CRS	Establishes community correctional facilities and programs.	Enacted
	CT 90 HB 5903	Establishes abandoned military facilities as alternative incarceration units for drug-involved offenders.	Failed
	GA SB 177	Provides for alternative confinement as a condition to probation.	Enacted
	MD Ch. 229/SB 59-1990 Session Laws	Establishes local detention centers for weekend prisoners.	Enacted
	NV § 209.4827	Establishes centers to house offenders in the community.	Enacted
	NJ SB 3070	Creates detention for parole and probation violators.	Pending; Sponsor: Rand
	OH SB 258/ § 2301.52	Establishes community-based correctional facilities and programs.	Enacted
	PA 71PS § 1690.106	Establishes detention facilities for probationers and parolees in need of drug and alcohol abuse services.	Enacted
SD SB 75	Creates community corrections facilities.	Enacted	

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TOPIC	BILL #/ CITATION	SUMMARY	STATUS
Community Corrections Act	TX Art. 42.12 § 19	Establishes community corrections facilities other than restitution centers.	Enacted
		An Act invoked by a number of states to encompass a number of sentencing alternatives and/or intermediate sanctions.	
	AL AC § 15-18-170	Creates the Community Punishment and Corrections Act of 1991.	Enacted
	CA AB 1871/ SB 187	Implements the Community Corrections Act of 1991 to expand public or community-based intermediate sanctions.	Pending; Sponsor: Presley
	CO HB 91-1173	Provides for a structured system of treatment and education with punitive sanctions for drug-involved offenders.	Enacted
	FL HB 2373/ § 948.50 & 948.51	Relates to a correctional system of sentencing, the Community Corrections Partnership Act containing intermediate sanctions as alternatives.	Enacted
	IL SB 2118	Establishes a Community Corrections Act.	Failed
	IN PL 240- 1991(ss2), IC 35-38-2.6	Allows direct placement to community corrections programs of persons convicted of certain offenses as an alternative to sentencing.	Enacted
	KS HB 3091/ KSA § 75-5290	Relates to certain services within the Community Corrections Act.	Enacted
	SB 49	Expands the number of counties and creates an advisory board to assist in sentencing overhaul process.	Enacted
	Establishes the Community Corrections Act.	Enacted	
MI SB 613/PA 511	Establishes the Community Corrections Act.	Enacted	

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TOPIC	BILL #/ CITATION	SUMMARY	STATUS
	MN MS § 401.01	Creates the Community Corrections Act of 1973 and establishes community-based programs for certain offenders in a more cost-effective manner than state prisons.	Enacted
	MT MCA Ch. 554, § 53-30-301	Creates the MT Community Corrections Act.	Enacted
	NE LB 729	Adopts the Community Punishment Act and provides duties for probation officers.	Failed
	NY 1991 Article VII	Removes barriers to the development and maximum appropriate use of effective alternatives to incarceration by establishing a comprehensive program of community corrections.	Pending; Sponsor: Governor's Budget Bill
	OH SB 258	Provides for many community-based programs for offenders.	Enacted
	OR § ORS 423.500- 423.560	Provides sentencing alternatives; improves local services for offenders and promotes the use of effective sanctions.	Enacted
	PA SB 718/ Act 1990-193	Establishes the County Intermediate Punishment Act Enactment and the Community Corrections Sentencing Alternatives.	Enacted
	SC Act of 1986, Art. 2	Creates the Omnibus Criminal Justice Improvements Act of 1986 and provides for community penalties programs for offenders.	Enacted
	SC SB 883	Creates the Offender Management Bill and identifies qualified nonviolent offenders to be placed and controlled within the community in lieu of constructing additional prison facilities.	Pending; Sponsor: DPPPS & DOC
	SD SB 75	Creates adult community corrections facilities and programs and to declare an emergency.	Enacted
	TN TCA § 40-36- 101,306	Establishes a comprehensive community corrections program with state grants to locally controlled agencies.	Enacted

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TOPIC	BILL #/ CITATION	SUMMARY	STATUS
Community Punishment Program	WY Ch. 84, 91HB 324	Establishes community corrections for incarcerated offenders and misdemeanants.	Enacted
		Can be any number of designated alternatives or sanctions authorized by the legislature of a particular state.	
	AZ ARS 12-299	Establishes the Community Punishment Program, support staff and adult probation officer qualifications and appointments.	Enacted
	FL HB 3711	Establishes community control programs for offenders released under supervision.	Enacted
	NE LB 729	Adopts the Community Punishment Act and provides a duty for probation officers.	Failed
	PA Act 1991-193 Act 1991-13	Provides for sentencing and intermediate punishment programs.	Enacted
Community Service	Act 1990-193/ SB 718	Provides for the County Intermediate Punishment Act Enactment and the Community Corrections Sentencing Alternatives.	Enacted
		An enhancement to a sentencing alternative for community supervision or an intermediate sanction imposed for non-compliance to conditions of supervision.	
	AZ § 13-3408(C)	Requires a drug-involved offender to perform not less than 360 hours of community service.	Enacted
	CA AB 1706/Ch. 257	Requires probationers who are unable to pay a fine to participate in community service.	Enacted
CO § 16-11-701, CRS	Establishes community or useful public service for misdemeanants.	Enacted	

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TOPIC	BILL #/ CITATION	SUMMARY	STATUS
	CT 89 HB 7554/ Ch. 952 § 54-105	Relates to community service for offenders under supervision.	Failed
	PA 90-213/ Ch. 952 § 53a-39c	Establishes a community service labor program.	Enacted
	DE HB 592	Authorizes a court to impose a sentence involving community service.	Enacted
	DC DC Law 8-142	Creates the Criminal Justice Commission to study the feasibility of community-based alternatives and community service programs for incarcerated offenders.	Enacted
	FL § 921-187(i) & 775.091/ HB 2373	Establishes public service as a condition of supervision.	Enacted
	GA Art. 4, § 42-8-70 & 42-8-72	Provides for probationers participation in community service programs.	Enacted
	ID IC § 20-219	Provides for community service programs for nonviolent offenders.	Enacted
	IL HB 3590/ PA 86-1342	Provides for community service for offenders.	Enacted
	SB 2258	Authorizes an offender sentenced to probation to participate in public or community service.	Failed
	KS KSA § 44-508	Provides for community service work as a condition to probation.	Enacted
	MD ACM Art. 27, § 726A	Provides the judiciary with a sentencing alternative through which offenders are placed in unpaid work assignments to serve a specified number of hours performing work within a set time limit.	Enacted

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TOPIC	BILL #/ CITATION	SUMMARY	STATUS
	MA SB 1705	Provides for community service as a condition of probation.	Pending; Sponsor: Boston Bar Assoc.
	MI SB 654	Provides for community service for offenders.	Failed
	NV SB 84/Ch. 589	Authorizes a court to require a convicted person to perform supervised work for the benefit of the community.	Enacted
	NH RSA § 651-A:23 (VI-a)	Requires a person violating conditions of supervision to perform not more than 50 hours of uncompensated public service.	Enacted
	NM SB 361/Ch. 54	Provides community service options for sentencing.	Enacted
	NC NCGS § 15A-1343 (b1) (6)	Provides for community or reparation services.	Enacted
	OH SB 258	Requires the court to consider community service as a condition of probation.	Enacted
	OK 22 OS § 991a	Creates a community service sentencing program for eligible offenders.	Enacted
	OR ORS § 423.552, 423.553 & 423.554	Establishes structured community sanctions for parolees including community service options.	Enacted
	PA Act 1990-193	Creates the County Intermediate Punishment Act including the option of community service.	Enacted
	SC § 24-23-115	Provides for public service work as a condition of probation.	Enacted
	TN TCA § 40-20-206	Creates a special alternative incarceration unit including a community service program.	Enacted
	TCA § 41-9-101, 204	Establishes community work projects for probationers.	Enacted
	§ 40-36-302	Creates community-based options and services.	Enacted

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TOPIC	BILL #/ CITATION	SUMMARY	STATUS
	TX Art. 42.12, § 17	Creates community service options for sentencing.	Enacted
	HB 154	Requires certain probationers to perform community service.	Enacted
	VT VSA § 352	Provides for community sentence as an option.	Enacted
	WI WS § 973.09 (7m)	Provides for community service as a condition of probation or parole.	Enacted
	Comprehensive Act concerning the elimination of substance abuse	CO HB 91-1173	Another name for Community Corrections Act.  Relates to the development and implementation of a standardized assessment of use of controlled substances by offenders.
Conservation Camps		This is an alternative sentencing option of the courts and may be considered an intermediate sanction. It can also be imposed by the court or parole board for violation of supervision conditions.	
	FL § 951.23	Provides for placement into work camps.	Enacted
	ID § 20-219	Provides for placement into work camps.	Enacted
	KS KSA § 75-52, 127	Provides for placement in conservation camps.	Enacted
	NV SB 100/ Ch. 128	Relates to the assignment of inmates to minimum security facilities, honor camps and conservation camps.	Enacted
	OR ORS § 421/450-421.480	Provides for placement into forest and work camps.	Enacted



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TOPIC	BILL #/ CITATION	SUMMARY	STATUS
<b>Crime Omnibus Bill</b>	IA HF 2452	<p>A comprehensive bill that encompasses any combination of intermediate sanctions.</p> <p>Creates youthful offender program and boot camps.</p>	Pending; Sponsor: House Judiciary & Law Enforcement Committee
	MD Ch. 410/HB 515-1990 Session Laws	Creates the Drug Enforcement Act of 1990.	Enacted
	MN HB 59/SB 3	Provides for increased sentences for a variety of crimes, sentencing guidelines and community crime and drug abuse reduction and prevention programs.	Enacted
	MNHF 1849	Creates the Omnibus Anti-Violence Act which encompasses sex offenders, juvenile justice, crime victims, domestic abuse and more.	Enacted
	SC Act of 1986	Creates the Omnibus Criminal Justice Improvement Act of 1986 increasing probation programs and options.	Enacted
	TX HB 2335	Creates the Criminal Justice Omnibus Reform Legislation that requires the development of community corrections alternatives.	Enacted
	<b>Day Reporting Centers (DRC)</b>	CT CGS § 53a-39a	<p>DRCs require the offender to physically report to a Center on a daily basis and provide the probation or parole officer with a daily schedule of activities. Random telephone calls to the offender are made in order to verify the daily schedule.</p> <p>Creates Alternatives to Incarceration Centers for probationers.</p>

A SAMPLING OF STATE LEGISLATION ON INTERMEDIATE SANCTIONS

TOPIC	BILL #/ CITATION	SUMMARY	STATUS
Drug Testing	MA SB 1705	Establishes day reporting centers for probationers.	Pending; Sponsor: Boston Bar Assoc.
	OR ORS § 144.106	Provides for a continuum of sanctions including a day reporting center option.	Enacted
	SC SB 883	Requires released offenders to participate in day reporting.	Pending; Sponsor: DPPPS & DOC
		A condition imposed by the court to ensure compliance with discontinued drug use. May also be imposed by probation/parole departments as an intermediate sanction by increasing frequency of urinalysis testing.	
	AL AC § 12-23-1 et.seq.	Creates the Mandatory Treatment Act of 1990 and provides for drug testing and treatment for probationers and parolees.	Enacted
	AZ § 13-914/ § 13-3408	Requires that for any offender convicted of certain drug-related crimes, an imposed condition of release shall be that the offender submit to drug testing administered by the probation department.	Enacted
	CA § 11551	Authorizes the use of tests to determine use of controlled substances as a condition for probation or parole.	Enacted
	CPC § 1203.1ab	Defines the use of drug testing as a condition of probation.	Enacted
CO § 16-11-102.5, CRS	Mandates all offenders to submit to substance abuse testing and treatment.	Enacted	
CT CGS §54- 105(b)	Establishes an intensive supervision program and provides for urinalysis or some other form of drug testing as a condition of probation.	Enacted	

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TOPIC	BILL #/ CITATION	SUMMARY	STATUS
	§ 17a-649-658	Provides for treatment and drug testing as a condition of supervision.	Enacted
	FL HB 3711	Authorizes as a condition of supervision for probation and parole, the offender shall submit to random substance abuse testing.	Enacted
	GA HB 1066	Provides for drug testing programs as a condition of probation or parole.	Pending; Sponsor: Cummings/ McKinney
	SB 678	Develops a procedure for certification of DOC personnel to perform urine screen drug tests on individuals within the criminal justice area.	Pending; Sponsor: Baldwin
	HB 248	Directs the DOC to conduct random, periodic, unannounced drug and alcohol testing on inmates.	Pending; Sponsor: Cummings
	IL SB 1874/ PA 86-1320	Authorizes the offender to pay all costs of mandatory alcohol and drug testing as a condition of probation.	Enacted
	IN PL 67-1990, § 5.IC11-13-3-4	Authorizes as a condition of parole, the parole board may require a parolee to periodically undergo a laboratory chemical test or series of tests to detect and confirm the presence of a controlled substance.	Enacted
	KS KSA § 65-1,108	Relates to urinalysis tests for controlled substances performed only for management purposes on probationers and parolees.	Enacted
	MD Art. 41 § 641B	Orders probation and parole departments to collect cost of drug and alcohol abuse testing.	Enacted
	Ch. 410/HB 515	Provides for licensed probationers to submit to periodic drug testing.	Enacted
	§ 10-914	Provides for drug testing of probationers.	Enacted
	MNMS § 36.244.15(2)	Provides for an offender to be subjected to weekly random urinalysis.	Enacted

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TOPIC	BILL #/ CITATION	SUMMARY	STATUS
	MT MCA §45-9-202	Authorizes as a condition of supervision, offenders must remain drug free and submit to drug and alcohol tests administered randomly.	Enacted
	NE LB 220	Relates to criminal procedure and provides that the costs of drug testing be paid by the state.	Enacted
	NV NRS § 213.123	Provides for the imposition of tests to determine use of controlled substance as a condition of parole.	Enacted
	NJ § 2C:35-14	Requires periodic urine testing for drug usage throughout the period of probation.	Enacted
	NY NYPL § 410/14R-91	Authorizes drug testing as a condition of probation.	Enacted
	Art. 12-B, § 259-c(1)(2)	Authorizes periodic drug testing for parolees.	Enacted
	OR ORS § 144.102 & 144.270	Allows the imposition of special conditions of offenders on parole or probation including drug testing.	Enacted
	PA Act 1990-201/61PS § 331.21	Authorizes drug testing of offenders on probation and parole.	Enacted
	RI RIS § 21-28-4.21	Requires drug testing.	Enacted
	SC SCS § 24-21-430	Provides the court to order drug testing as a condition of probation.	Enacted
	TN TCA § 40-36-302	Provides for drug and alcohol screening as a community corrections option.	Enacted
	TX SB 29	Requires persons placed on probation and persons released on parole or mandatory supervision submit to testing for controlled substances.	Enacted
	WI WAC DOC § 328.04(3)(k)	Requires the offender under supervision to make himself available for searches or tests ordered by the agent including urinalysis,	Enacted

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TOPIC	BILL #/ CITATION	SUMMARY	STATUS
Drug Treatment Programs		breathalyzer, blood samples and search of residence or property.	
		This is a court-ordered enhancement to alternative sentencing or an authorized sanction which can be imposed by the court or supervising authority.	
	AL AC § 13A-12-280 et. seq.	Provides for treatment alternatives for drug-involved offenders.	Enacted
	CA SB 713/Ch. 990	Requires first time drug offenders to successfully complete an approved first offender treatment program.	Enacted
	CO HB 91-1173	Provides for treatment of drug-involved offenders.	Enacted
	CT 89 HB 7053	Requires the commitment to a drug treatment program of drug-dependent persons convicted of drug offenses.	Failed
	DC Bill 9-212	Establishes rehabilitation programs for drug-involved offenders.	Pending; Sponsor: Lightfoot/ Rolack
	FL HB 2373	Creates the Community Corrections Partnership Act including assessments to be used for drug abuse treatment programs.	Enacted
	§ 921.187(d) and 944.026	Provides for a period of treatment during probation.	Enacted
	Ch. 953	Establishes Serious Targeted Offender Program (STOP) for habitual drug offenders.	Enacted
IL SB 2287	Authorizes the court to place a drug-involved offender in a treatment program.	Failed	
IN PL 91-1990, IC 16-13-6.1	Establishes a drug and alcohol abuse prevention program.	Enacted	

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TOPIC	BILL #/ CITATION	SUMMARY	STATUS
	ME LD 2063	Requires offenders to pay the costs of substance abuse programs.	Pending; Sponsor: Manning
	MD Ch. 410/HB 515-1990 Session Laws	Provides for treatment as a condition of probation.	Enacted
	MN Ch. 290/ HB 59/SB 3	Provides for community crime and drug abuse reduction and prevention programs.	Enacted
	MT Ch. 393, Laws of MT, 1991	Adopts standards governing the approval of chemical dependency treatment programs.	Enacted
	NV AB 68	Creates treatment programs for offenders who abuse drugs and alcohol.	Enacted
	NRS § 209.427	Provides for offenders to be assessed and placed in an appropriate drug treatment program.	Enacted
	NJ § 2C:35-14	Creates a rehabilitation program for drug-dependent persons and as a condition of probation requires participation in the program.	Enacted
	NC NCGS § 143 B- 262(d)	Establishes an intensive inpatient substance abuse program for the treatment of alcohol and drug addiction.	Enacted
	OR ORS 423.552, 423.553 & 423.554	Establishes outpatient alcohol and drug treatment for at-risk offenders.	Enacted
	PA Act 1990-193	Establishes the County Intermediate Punishment Act including the option of alcohol or drug outpatient treatment.	Enacted
	SC SB 883	Requires offenders released to participate in substance abuse programs.	Pending; Sponsor: DPPPS & DOC
	TN TCA § 40-36- 302	Provides for alcohol and drug outpatient treatment.	Enacted

A SAMPLING OF STATE LEGISLATION ON INTERMEDIATE SANCTIONS

TOPIC	BILL #/ CITATION	SUMMARY	STATUS
Electronic Supervision/ Monitoring	WASB 5623	Authorizes intensive rehabilitation programs for offenders.	Pending; Sponsor: Thorsness
	WV SB 113	Establishes treatment programs to assist in the rehabilitation of criminal offenders.	Failed
	WI WS § 302-05	Creates the Wisconsin Substance Abuse Program.	Enacted
	WS § 46.65	Creates the Treatment Alternative Program in lieu of imprisonment.	Enacted
		An intermediate punishment alternative to courts for higher risk offenders and as an intermediate sanction for offenders unable to comply with imposed supervision conditions.	
	AR Act 307-1991	Authorizes home detention with electronic supervision.	Enacted
	CA AB 2103/Ch. 215-91	Authorizes the condition of electronic monitoring for parolees.	Enacted
	CT 89 HB 6971	Provides funds for the development of a monitoring program within the office of adult probation.	Failed
	DE HB 35	Authorizes the Dept. of Corrections to place nonviolent offenders in home detention with electronic surveillance.	Enacted
	FL HB 3711/ HB 379/ § 948.03	Relates to the use of electronic monitoring devices.	Enacted
GA HB 379	Establishes electronic monitoring for offenders.	Enacted	
IL HB 3513/ PA 86-1281	Establishes electronic monitoring for offenders.	Enacted	

A SAMPLING OF STATE LEGISLATION ON INTERMEDIATE SANCTIONS

TOPIC	BILL #/ CITATION	SUMMARY	STATUS
	ME LD 2063	Requires offenders to pay the costs of electronic monitoring devices.	Pending; Sponsor: Manning
	MA SB 1705	Requires the use of more intermediate sanctions such as house arrest and electronic monitoring.	Pending; Sponsor: Boston Bar Assn.
	MN HF 1849	Provides for the use of electronic monitoring as a condition of pretrial release	Enacted
	NE LB 220 & § 29-2262.04	Provides for electronic surveillance equipment to be paid for by the state.	Enacted
	NV NRS § 176.198	Provides that electronic monitoring be required in the initial phase of intensive supervision programs.	Enacted
	NH RSA § 651- A:23(V)	Requires a probation officer to monitor home confinement by electronic monitoring to verify compliance.	Enacted
	SB 470	Establishes the use of electronic monitoring devices and community supervision as an alternative to prison.	Pending; Sponsor: Humphrey
	NC NCGS § 20- 179(g)(h)	Allows judges to place certain DWI offenders under electronic house arrest as a condition of special probation.	Enacted
	OH SB 131	Permits the imposition of a period of electronically-monitored house arrest.	Enacted
	OR ORS § 144.106	Provides for a continuum of sanctions including electronic surveillance.	Enacted
	PA Act 1990-193	Creates the County Intermediate Punishment Act including the option of electronic monitoring.	Enacted
	SC SCS § 24-13- 1560	Requires a defendant to use an approved electronic home detention device.	Enacted



A SAMPLING OF STATE LEGISLATION ON INTERMEDIATE SANCTIONS

TOPIC	BILL #/ CITATION	SUMMARY	STATUS
Fines/Penalties/ Day Fines	TX Art. 42.12 § 21	Provides for electronic monitoring as a sentencing option.	Enacted
	VA VCA § 53.1-131.2	Authorizes home electronic incarceration programs.	Enacted
	WI WS § 973.03(4)	Establishes court-ordered home detention with electronic monitoring.	Enacted
		Imposition of a fee to be paid by offenders for violation of an understood or prearranged agreement. Fines normally assigned to designated funds or programs.	
	CA § 1203	Establishes fines for offenders on probation.	Enacted
	CO CRS § 16-11-204(2)(e) & § 16-11-502(1)(d), CRS	Requires fines to be paid as a condition to probation or parole.	Enacted
	CT 89 HB 6247	Requires penalties and fines for the illegal sale of drugs.	Failed
	DE SB 386	Permits the Dept. of Corrections to collect a portion of inmate's wages for contribution to the victim compensation fund.	Enacted
	FL § 921-187(b) & 948.011	Imposes a fine and probation with or without adjudication of guilt.	Enacted
	IL HB 684	Requires fines to be assessed as a condition to probation.	Pending; Sponsor: Santiago
HB 1251/ PA 86-555	Provides that a \$4/\$40 fine surcharge applies to all fines upon a plea of guilty or a sentence of probation.	Enacted	

**A SAMPLING OF STATE LEGISLATION ON INTERMEDIATE SANCTIONS**

TOPIC	BILL #/ CITATION	SUMMARY	STATUS
	IA SF 2241	Establishes structured fines demonstration projects in certain counties.	Pending; Sponsor: Senate Judiciary Committee
	MN SB 2621	Requires day fines as a supervision condition.	Enacted
	MNHF 1849	Requires the imposition of fines on all persons convicted of crimes.	Enacted
	MT Ch. 296, Laws of MT, 1991	Allows fines, penalties and forfeitures to be collected from drug-involved offenders.	Enacted
	OH HB 249	Authorizes a judge to require a person convicted of any criminal drug offense to pay an additional fine towards the support of alcohol and drug addiction treatment programs.	Pending; Sponsor: Beatty
	PA PaCSA 18, § 1101	Requires fines be assessed on offenders.	Enacted
	SC § 24-23-110	Authorizes the imposition of fine and restitution of offenders.	Enacted
	TN TCA § 40-24- 106, 107	Establishes the Criminal Injuries Compensation Fund.	Enacted
	VT Ch. 223	Imposes fines, costs and penalties on offenders.	Enacted

A SAMPLING OF STATE LEGISLATION ON INTERMEDIATE SANCTIONS

TOPIC	BILL #/ CITATION	SUMMARY	STATUS
Group Homes	CA SB 2186	<p>May be classified along with restitution centers, halfway houses or community corrections facilities depending on structure of program. Can be used as an alternative to jail or prison or as a sanction for non-compliance under community supervision.</p> <p>Establishes social programs, alcohol and drug programs and group homes.</p>	Enacted
Home/House Arrest Home Detention Center/Program	<p>AZ ARS § 31-236</p> <p>AR Act 307-1991</p> <p>CA CPC § 1203.016</p> <p>AB 688/Ch. 437</p> <p>CO HB 90-1227/ § 16-11-204</p> <p>CT 89 HB 7059</p> <p>PA 90-261</p> <p>PA 89-383/ HB 7539</p>	<p>May be used as a sanction or alternative to incarceration for nonviolent offenders.</p> <p>Creates conditions and eligibility requirements for home arrest.</p> <p>Authorizes home detention with electronic supervision.</p> <p>Authorizes home detention program for offenders.</p> <p>Creates uniform procedures for home detention, work furlough and county parole programs.</p> <p>Creates home detention programs.</p> <p>Establishes home detention as a condition of release.</p> <p>Establishes supervised home release program.</p> <p>Authorizes home detention as a condition of release.</p>	<p>Enacted</p> <p>Enacted</p> <p>Enacted</p> <p>Enacted</p> <p>Enacted</p> <p>Failed</p> <p>Enacted</p> <p>Enacted</p>

A SAMPLING OF STATE LEGISLATION ON INTERMEDIATE SANCTIONS

TOPIC	BILL #/ CITATION	SUMMARY	STATUS
	DE HB 35	Authorizes the Dept. of Corrections to place nonviolent offenders in home detention with electronic surveillance.	Enacted
	FL FS § 921.187(c) & § 948.10/HB 379	Relates to Community Control I and the inclusion of house arrest.	Enacted
	GA HB 379	Authorizes home arrest programs for offenders.	Enacted
	IL HB 3141	Authorizes home arrest programs for offenders	Failed
	KS SB 49/KSA § 21-4603b	Provides for house arrest for offenders.	Enacted
	ME LD 1270/1992 Public Law 224	Authorizes counties to establish home release monitoring program.	Enacted
	MD ACM Art. 27, § 689A/Ch. 414	Authorizes home detention programs for offenders.	Enacted
	MA SB 1705	Requires the use of intermediate sanctions such as house arrest and electronic monitoring.	Pending; Sponsor: Boston Bar Assn.
	MNMS § 36.244.15(3)	Provides for house arrest as a condition of probation.	Enacted
	MT Ch. 105, Laws of MT, 1991	Allows home arrest in lieu of imprisonment for certain criminal offenders.	Enacted
	NV NRS § 176.2155 et. seq.	Authorizes residential confinement for certain offenders.	Enacted
	NH RSA § 651- A:23(V)	Establishes sanctions for offenders in home confinement or other special alternative incarceration programs who violate conditions of the program.	Enacted
	NC NCGS § 20- 179(g)(h)	Authorizes judges to use house arrest as a condition of special probation in certain DWI cases.	Enacted

A SAMPLING OF STATE LEGISLATION ON INTERMEDIATE SANCTIONS

TOPIC	BILL #/ CITATION	SUMMARY	STATUS
Intensive Supervision Programs	OH SB 131	Permits the imposition of a period of electronically-monitored house arrest for certain offenders.	Enacted
	OR ORS § 144.106	Provides a continuum of sanctions including house arrest as sentencing options.	Enacted
	PA Act 1988-79	Requires an offender to remain within the premises of his residence during the hours designated by the court (house arrest).	Enacted
	SC SCS § 24-13-1560	Establishes electronic home detention.	Enacted
	SB 883	Requires released offenders to participate in home detention.	Pending; Sponsor: DPPPS & DOC
	TX HB 93	Creates the Punishment Standards Commission and provides for home confinement as an alternative to incarceration.	Enacted
	WV SB 15/Ch. 62, Art. 11B	Establishes conditions of home detention.	Enacted
	WI WS § 302.425	Establishes home detention programs for offenders.	Enacted
	WS § 301.046	Provides for Community Residential Confinement.	Enacted
		Designed by employing states for providing the most efficient method of community supervision.	
AL AC § 15-22-56	Establishes an intensive supervision program for parolees.	Enacted	
AZ Ch. 9, § 13-914/SB 1243	Creates intensive supervision as a condition to probation.	Enacted	

A SAMPLING OF STATE LEGISLATION ON INTERMEDIATE SANCTIONS

TOPIC	BILL #/ CITATION	SUMMARY	STATUS
	CA SB 26	Establishes Intensive Correctional Supervision Program.	Pending; Sponsor: Lockyer
	CO § 16-11-213/ § 17-27.5-101, CRS	Establishes intensive supervision programs as a condition of probation.	Enacted
	CT PA 90-261/ Ch. 961 § 54- 105	Establishes intensive supervision as a condition of probation and parole.	Enacted
	DE DE Law 11-4204	Requires that offenders sentenced to Level III be placed in intensive supervision.	Enacted
	ID § 20-219	Establishes intensive supervision programs as a condition of probation.	Enacted
	IL IRS 1989, Ch. 38, § 204-1b	Provides for a highly structured 12 month intensive program.	Enacted
	KY KRS 439.348	Authorizes intensive supervision program for probationers and parolees.	Enacted
	ME Title 17-A § 1261	Authorizes a sentence of intensive supervision with rigorous conditions.	Enacted
	MD 1991 Budget	Creates intensive supervision for high-risk offenders.	Enacted
	MA SB 1705	Creates an intensive supervision program for probationers.	Pending; Sponsor: Boston Bar Assn.
	MN SB 2621	Creates intensive supervision as an alternative sentence.	Enacted
	SB 526	Creates the Intensive Community Supervision Act.	Enacted
	NE LB 220 & § 29-2262.02	Provides for intensive supervision probation program.	Enacted

A SAMPLING OF STATE LEGISLATION ON INTERMEDIATE SANCTIONS

TOPIC	BILL #/ CITATION	SUMMARY	STATUS
Jail Camps	NV NRS § 213.124 & § 176.185	Provides for intensive supervision and residential programs for probationers and parolees.	Enacted
	AB 779/Ch. 617	Establishes intensive supervision programs for probationers and parolees.	Enacted
	NH RSA § 651- A:23(V)	Provides for prison-bound offenders to be placed in an intensive supervision program as an alternative to incarceration.	Enacted
	NJ § 3:21-10(e), Court Rule	Establishes an intensive supervision program.	Enacted
	NM SB 296/Ch. 52	Establishes an intensive supervision program.	Enacted
	NC NCGS § 143B- 262(c)	Provides that felons are eligible for intensive probation.	Enacted
	PA Act 1990-193/ SB 718	Provides for county intermediate punishment programs including intensive supervision.	Enacted
	RI HB 8472	Relates to intensive probation.	Failed
	SC SB 883	Requires released offenders to participate in intensive supervision.	Pending; Sponsor: DPPPS & DOC
	TX Art.42.12 § 20	Establishes intensive or maximum probation as a sentence.	Enacted
	UT HB 57	Creates an intensive early release parole program.	Pending; Sponsor: Ellertson
WI WS § 48.535	Creates an intensive supervision program for juveniles, an aftercare pilot program.	Enacted	
Jail Camps		Designed to alleviate crowded jails for offenders serving long jail sentences. Not an intermediate sanction unless so designated by a state.	

A SAMPLING OF STATE LEGISLATION ON INTERMEDIATE SANCTIONS

TOPIC	BILL #/ CITATION	SUMMARY	STATUS
Mandatory Treatment Act/Drug Enforcement Act/Controlled Substances Act	CA CPC § 6300	Establishes regional jail camps whose primary purpose is the confinement and treatment including persons imprisoned as a condition of probation.	Enacted
		An Act established by several states mandating treatment for supervised offenders abusing and/or dependent upon illicit drugs.	
	AL AC § 12-23-1 et.seq.	Creates treatment programs for substance-abusing offenders and provides for drug testing.	Enacted
	DE HB 446	Relates to the Uniform Controlled Substances Act.	Enacted
	DC Bill 9-212	Relates to the Rehabilitation Alternative to Prison Act of 1991.	Enacted
	IN HB 1654	Relates to the Controlled Substances Act and programs.	Enacted
	MD 1990 Legislation	Creates the Drug Enforcement Act authorizing state agencies that issue licenses to impose sanctions by requiring the offender to submit to periodic drug testing during probation and participate in a drug treatment or education program.	Enacted
Reparation of Stolen Property	NV AB 305-1991	Authorizes mandatory treatment for DUI offenders.	Enacted
		An intermediate sanction imposed by the court for collection of victim property losses.	
	KY KRS § 431.200	Relates to the offender making reparation for stolen or damaged property.	Enacted
	MN HB 95/SB 408	Creates the Crime Victims Reparation Act.	Enacted



A SAMPLING OF STATE LEGISLATION ON INTERMEDIATE SANCTIONS

TOPIC	BILL #/ CITATION	SUMMARY	STATUS
Residential Programs/ Halfway Houses	NV NRS § 4.375	Requires reparation/restitution of embezzled property.	Enacted
	ND NDCC § 12.1-32-08	Provides for reparation for probationers.	Enacted
	RI RIGL § 12-28-5.1	Provides for restitution to victims by defendants.	Enacted
		Programs offering intensified services, i.e., drug counseling, etc. This may be used as a court-ordered enhancement to alternative sentencing or as a sanction by the supervising authority.	
	DE DE Law 11-4204	Provides for offenders sentenced to Level IV to be placed in a halfway house.	Enacted
	FL § 921.187(d) & 944.026	Establishes community residential facilities as a condition to probation.	Enacted
	IL SB 1556/ PA 86-1487	Establishes residential programs for offenders.	Enacted
	ME LD 2353	Establishes the supervised community confinement program for certain offenders.	Pending; Sponsor: Gill
	MA SB 1705	Provides for residential programming for probationers.	Pending; Sponsor: Boston Bar Assn.
	NV AB 473/Ch. 166 & NRS § 176.2155	Orders probationers who violate conditions of supervision to be placed in residential confinement in lieu of detention in a county jail pending inquiry to determine if a condition of probation has been violated.	Enacted
AB 474/Ch. 165	Orders parolees who violate conditions of supervision to be placed in a residential confinement pending further action.	Enacted	

A SAMPLING OF STATE LEGISLATION ON INTERMEDIATE SANCTIONS

TOPIC	BILL #/ CITATION	SUMMARY	STATUS
Restitution Centers/ Programs	OH SB 260	Upgrades penalty for repeat DUI to a felony offense and permits work furlough after 60 days.	Pending; Sponsor; Henry
	OR ORS § 423.552, 423.553 & 423.554	Establishes residential alcohol and drug treatment programs for parolees.	Enacted
	PA SB 1126	Establishes a residential program for probation and parole.	Pending; Sponsors: Salvatore/ Reibman
	TN § 40-36-302	Provides for short-term community residential treatment options.	Enacted
	VA VCA § 53.1- 177	Authorizes the establishment of halfway houses.	Enacted
		Programs offering intensive supervision of offenders and providing services which enable the offender to make financial restitution to the victim(s).	
	AL AC § 15-18- 111	Creates supervised intensive restitution program.	Enacted
	AK AS §33.05010	Provides for reparation or restitution as a condition to probation.	Enacted
	AZ ARS § 13-901, 31-412	Establishes mandatory restitution as a condition of probation and parole.	Enacted
	CA § 1203.1	Establishes restitution as a condition of probation.	Enacted
CO § 16-11-204.5, CRS	Establishes restitution as a condition of probation.	Enacted	
CT 89 HB 7072	Concerns a program for double restitution.	Failed	

A SAMPLING OF STATE LEGISLATION ON INTERMEDIATE SANCTIONS

TOPIC	BILL #/ CITATION	SUMMARY	STATUS
	CGS § 53a-30	Relates to restitution as a condition of probation.	Enacted
	DE DCA Title 11, § 4101-4106	Requires police to prepare a "loss statement" for sentencing judge who must order restitution or, if not, explain reasons on record.	Enacted
	DE Law 11-4204	Provides for offenders sentenced to Level IV to make restitution.	Enacted
	FL FS § 921.187(2) & 775.089	Establishes methods of restitution payments for offenders.	Enacted
	HB 2373	Provides for restitution to victims under the Community Corrections Partnership Act.	Enacted
	GA OCG § 42.8.35	Charges probation supervisors with the duty of enforcing restitution orders as a condition of probation, and reporting unpaid monies owed.	Enacted
	HI HRS § 706-605	Provides for general restitution at the discretion of the court.	Enacted
	IL HB 684	Establishes restitution as a condition of probation.	Pending; Sponsor: Santiago
	IS Ch. 38, § 1005-5-6	Provides for the court to determine the amount of restitution as a condition of probation or parole.	Enacted
	IN Senate Act. 380/PL 136- 1989, IC 9-11- 3-5	Relates to restitution for offenders.	Enacted
	IC § 35-38-2-2	Relates to restitution as a condition of probation.	Enacted
	IA IC Ch. 910/ SB 496	Requires restitution in all felony cases. Restitution plans are required as part of parole or probation.	Enacted

A SAMPLING OF STATE LEGISLATION ON INTERMEDIATE SANCTIONS

TOPIC	BILL #/ CITATION	SUMMARY	STATUS
	KY KRS § 533.030	Authorizes mandatory restitution as a condition of probation or parole. If restitution is not made, the offender may be brought back to court to face contempt charges.	Enacted
	LA LCC Art. 895.1(c)	Requires monetary restitution to victims or family as a condition of probation.	Enacted
	MD ACM, Art. 27, § 640/Art. 41 § 4-518	Establishes restitution for crimes.	Enacted
	Art. 31B § 11B	Requires payment of restitution for parolees.	Enacted
	MA SB 1705	Establishes restitution as a condition of probation.	Pending; Sponsor: Boston Bar Assn.
	MI SB 654	Provides for restitution of offenders.	Failed
	MN HB 95/SB 408	Provides for restitution to victims.	Enacted
	MS MCA § 99-37-1	Provides restitution procedures and enforcement as a condition of probation or parole.	Enacted
	MO MRS § 559.021-2(1)	Requires restitution to be made to the victim or their dependent in the amount determined by the court.	Enacted
	NE NCP § 29-2280	Establishes that the sentencing court may order restitution to the victim for the actual physical injury or property damage.	Enacted
	NV NRS § 213.126	Establishes restitution programs for parolees.	Enacted
	NRS § 176.189	Establishes restitution programs for probationers.	Enacted
	NH RSA § 651:62-67	Establishes restitution as a condition of probation.	Enacted

A SAMPLING OF STATE LEGISLATION ON INTERMEDIATE SANCTIONS

TOPIC	BILL #/ CITATION	SUMMARY	STATUS
	NJ NJS § 2A:8-31.1	Establishes sanctions for failure to make restitution.	Enacted
	§ 2C:45-1(b)(8)	Establishes restitution as a condition of probation.	Enacted
	NM SB 265/Ch. 35	Provides for an increase in restitution to victims.	Enacted
	NRS § 213.126	Provides for restitution as a condition of parole.	Enacted
	NC NCGS § 15A-1343(d)	Provides for restitution as a condition of probation.	Enacted
	ND NDCC § 12.1-32-08	Establishes a restitution or reparation order as a condition to probation.	Enacted
	OK 57 OS § 332.8	Establishes that restitution be considered as a condition of parole.	Enacted
	OR ORS § 137.106 & § 144.106	Authorizes the court to order restitution as a condition of probation.	Enacted
	PA SB 851	Provides for restitution for incarceration.	Pending; Sponsor: Bell
	RI RIS § 12-19-32/ HB 6744	Provides for restitution as a condition of probation.	Enacted
	SC SCS § 16-3-1270 & § 24-21-480	Provides for restitution by the offender.	Enacted
	SD SDCL § 23A-28-3	Relates to victim restitution.	Enacted
	TN TCA § 40-20-116	Provides for an order of restitution.	Enacted
	TX Art. 42.12 § 15	Provides for restitution as a condition of sentencing.	Enacted

A SAMPLING OF STATE LEGISLATION ON INTERMEDIATE SANCTIONS

TOPIC	BILL #/ CITATION	SUMMARY	STATUS
Sentencing Alternatives	UT UCA § 77-18-1(6)	Provides for payment of restitution.	Enacted
	VT VSA 13 § 7043	Provides for restitution as a condition of sentencing.	Enacted
	VA VCA § 16.1-253.1 & § 16.1-279.1	Makes restitution mandatory as a condition of probation.	Enacted
	WA RCW § 9.94A.120(15)	Provides for restitution as a condition of probation or parole.	Enacted
	WI WS § 973.20	Requires a court to order restitution when imposing a sentence or ordering probation for any crime.	Enacted
	WS § 7-13-307 to 7-13-315	Provides for restitution as a condition of probation or parole.	Enacted
	WY Ch. 155, 91 SB 23	Provides that a defendant be required to pay restitution only if he has a current or future ability to pay.	Enacted
		Any alternative that serves as a means of reducing jail/prison crowding.	
	CA SB 26	Authorizes counties to establish community corrections programs in lieu of imprisonment.	Pending; Sponsor: Lockyer
	CT PA 89-383	Relates to sentencing alternatives and conditions for release from correctional facilities.	Enacted
DE DE Law 4204	Provides for a continuum of fine levels of sentencing alternatives.	Enacted	
DC DC Law 8-142	Establishes the Criminal Justice Commission to develop sentencing diversion and community service programs.	Enacted	

A SAMPLING OF STATE LEGISLATION ON INTERMEDIATE SANCTIONS

TOPIC	BILL #/ CITATION	SUMMARY	STATUS
	FL HB 355	Creates the Substance Abuse Punishment Program; and provides for alternative sentences for drug-involved offenders.	Pending; Sponsor: Sindler
	KS SB 49	Creates the Community Corrections and Sentence Overhaul Board to develop community-based alternatives.	Enacted
	SB 479	Reforms the KS criminal sentencing system.	Pending; Sponsor: Special Committee on Judiciary
	MD ACM § 726A	Establishes community service programs providing the judiciary with sentencing alternatives.	Enacted
	NV AB 314-1991	Provides for electronic supervision in lieu of jail.	Enacted
	AB 318-1991	Provides for exchange labor for jail confinement.	Enacted
	OH SB 258	Creates the State Criminal Sentencing Commission to develop sentencing alternatives.	Enacted
	OK 22 OS § 991a	Creates the Community Service Sentencing Program; allows for deferred sentencing.	Enacted
	PA Act 1990-193/ Act 1991-13	Creates the County Intermediate Punishment Act establishing sentencing options permitting the use of options for certain drug offenders.	Enacted
	RI SB 386/HB 6858	Relates to sentencing and alternative confinement.	Failed
	TN § 40-20-206	Creates the Special Alternative Incarceration Unit Program as a sentencing option.	Enacted
	VT § 7030	Establishes sentencing alternatives for offenders.	Enacted

A SAMPLING OF STATE LEGISLATION ON INTERMEDIATE SANCTIONS

TOPIC	BILL #/ CITATION	SUMMARY	STATUS
Shock Incarceration	WA SB 5623	Relates to sentencing of offenders and provides for sentencing alternatives for drug-involved offenders.	Pending; Sponsor: Thorsness
	WV SB 113	Establishes the Criminal Resocialization Research Act to study sentencing alternatives and treatment programs to assist in the rehabilitation of criminal offenders.	Failed
	WI WS § 301.048 & § 973.032	Provides for alternative sentencing within the Intensive Sanctions Program.	Enacted
		Normally known as "Boot Camps" however, some jurisdictions refer to a limited time in jail for noncompliance to supervision conditions as Shock Incarceration.	
	AZ Ch. 9, § 13- 915/SB 1092	Provides for a special shock incarceration as a condition of intensive probation.	Enacted
	IA IC § 902.4	Establishes a 90 day reconsideration period for felon's sentence.	Enacted
	ME LD 1728	Establishes a shock incarceration program for offenders between the ages of 17 and 25.	Failed
	MD 1991 Budget	Appropriates money for shock incarceration programs for young male first-time offenders of nonviolent crimes.	Enacted
	NV NRS § 176.145	Establishes a program of regimental discipline.	Enacted
	NH RSA 651:2	Provides an alternative incarceration provision for boot camps.	Enacted
NJ AB 4625	Establishes a shock incarceration program.	Pending; Sponsor: Pelly/Ford	
NM HB 557/Ch. 51	Creates a special incarceration alternative program.	Enacted	



A SAMPLING OF STATE LEGISLATION ON INTERMEDIATE SANCTIONS

TOPIC	BILL #/ CITATION	SUMMARY	STATUS
Shock Probation	OH SB 258	Provides for shock incarceration as a sentencing alternative.	Enacted
	HB 590	Upgrades penalty for repeat DUI offense and allows shock incarceration as an alternative to prison.	Pending; Sponsor: Bergansky
	SC Art. 13 § 24-13-1310 to § 24-13-1340	Establishes shock incarceration programs for offenders.	Enacted
	TX HB 2335	Creates community corrections alternatives involving shock incarceration programs.	Enacted
		A probation sentence with an abbreviated period of incarceration at the beginning or end of probationary period. This may be considered an intermediate sanction.	
Specialized Caseloads	IL HB 3123	Relates to shock probation as a sentencing alternative.	Failed
	SC SCS § 24-21-475	Provides for participation in shock probation.	Repealed
Supervision Fees	FL §948.001(3) & 948.01(15).	Establishes drug offender probation for specialized caseloads.	Enacted
		Not an intermediate sanction unless so stated by the employing state.	
	AL AC § 15-22-56	Establishes collection of fees to defray program costs.	Enacted
	CA AB 688/Ch. 437	Establishes an administrative fee and an application fee for prisoners participating in work furlough or home detention programs.	Enacted

A SAMPLING OF STATE LEGISLATION ON INTERMEDIATE SANCTIONS

TOPIC	BILL #/ CITATION	SUMMARY	STATUS
	CO § 16-11-204(2) (e), CRS	Relates to conditions of probation requiring the offender to pay reasonable costs of the court proceedings or costs of supervision.	Enacted
	FL HB 3711	Relates to the correctional system and specifies the cost of a supervision fee.	Enacted
	ID § 20-219	Provides for supervision fees to pay for ISP costs.	Enacted
	KS KSA § 21-4610a	Relates to probation or community correctional service fees.	Enacted
	ME LD 53	Requires offenders to pay a fee to offset costs of probation services.	Failed
	MD ACM Art. 41, § 641B	Relates to fees paid by persons supervised by the Division of Parole and Probation.	Enacted
	HB 198/SB 213	Requires offenders of probation or parole to pay a monthly fee of either \$25 (probation) or \$40 (parole).	Enacted
	OH HB 37	Requires probationers to pay a \$10 monthly fee.	Pending; Sponsor: O'Brien
	SB 260	Establishes \$40/diem fee up to a maximum of \$5,000 that local authorities may recover from inmates for the cost of confinement.	Pending; Sponsor: Henry
	PA Act 35/HB 804	Provides for the costs of offender supervision programs.	Enacted
	TN TCA § 40-36- 306	Provides for supervision fees for offenders.	Enacted
	TX Art. 42.12, § 22	Provides for fees for offenders.	Enacted
	WV HB 2187	Requires persons on parole, probation or work release to contribute to the cost of their supervision.	Failed

A SAMPLING OF STATE LEGISLATION ON INTERMEDIATE SANCTIONS

TOPIC	BILL #/ CITATION	SUMMARY	STATUS
Treatment Alternatives to Street Crime	CT 89 HB 5931	An agency which is utilized by the courts, probation and parole services to provide directed services, so imposed by the courts or supervising authority. This may be considered an intermediate sanction.	
	IL ISC Ch. 111.5	Establishes the Treatment Alternatives to Street Crime Program as a sentencing alternative.	Failed
	TX SB 828	Relates to the Alcoholism and Substance Abuse Act and requires that all drug addicts attend TASC.	Enacted
User Fees/Payments of Costs for Drug Offenses	AL AC § 13A-12-280 et. seq.	Provides a Treatment Alternatives to Incarceration Program (TAP), (prison).	Enacted
	AZ Ch. 34	An assessed fee of offenders designed to serve as an additional penalty and often directed to offset costs of treatment alternatives or surveillance aids.	Enacted
	DE HB 341	Provides for the mandatory assessment of a user fee as an additional penalty for persons convicted of any controlled substance offense and to provide treatment alternatives.	Enacted
	IL HB 2294/ PA 86-640	Relates to drug offenses and provides for probationer and payment of costs.	Enacted
	IL HB 2294/ PA 86-640	Allows the collection of court costs in cases where the defendant is allowed first offender status.	Enacted
		Relates to user fees as a condition of probation.	Enacted

A SAMPLING OF STATE LEGISLATION ON INTERMEDIATE SANCTIONS

TOPIC	BILL #/ CITATION	SUMMARY	STATUS
	IN PL 67-1990 § 5.1C 11-13-3-4	Requires parolees to pay for drug testing.	Enacted
	KS SB 149	Relates to user fees for offenders.	Failed
	MD HB 434/SB 582-1990 Session Laws	Increases certain fees that an individual convicted of a crime must pay.	Enacted
	NY Art. VII, #118	Authorizes fees for certain services to mitigate reductions in state funding.	Pending; Sponsor: Governor's Budget Bill
	OH SB 205	Provides for the confiscation and sale of vehicle for repeat DUI offenders.	Pending; Sponsor: Snyder
	TN TCA § 39-17-417	Establishes a maximum fine of \$500,000 for offenders.	Enacted
	TX Art. 42.12 § 22	Relates to fees as a sentencing option.	Enacted
	WV WVCP § 62-11B-8	Requires that the offender be responsible for certain expenses.	Enacted
Weekend Confinement		A sanction used by the court or prevailing authority as an alternative to a more appropriate ruling. Weekend Confinement can be extended to any given number of weekends, based upon the severity of the infraction.	
	MD ACM § 645GG & § 639	Establishes a weekend prisoner program as a sentencing option.	Enacted
	NV NRS § 211.350	Provides for intermittent service of sentence in jails.	Enacted
	OK OS § 991a-2	Establishes a night or weekend incarceration program for nonviolent felons as a sentencing option.	Enacted

A SAMPLING OF STATE LEGISLATION ON INTERMEDIATE SANCTIONS

TOPIC	BILL #/ CITATION	SUMMARY	STATUS
	TN TCA § 40-35-104(c)3	Authorizes periodic confinement in local jails.	Enacted
	VA VCA § 53.1-131.1	Permits jail time to be served on weekends.	Enacted
	WI WS § 303.08	Creates the "Huber Law" requiring the employment of county jail prisoners.	Enacted

A SAMPLING OF STATE LEGISLATION ON INTERMEDIATE SANCTIONS

TOPIC	BILL #/ CITATION	SUMMARY	STATUS
<b>SPECIFIC PROGRAM ELEMENTS WITHIN INTERMEDIATE SANCTIONS</b>			
<b>Victim Impact Program for Defendants</b>	IN PL 94-1991, IC 9-30-14	A program that unites the victim and offender in order to mediate.  Establishes a victim impact program for defendants in DUI cases.	Enacted
	NC § 15A-1343(b1)	Establishes an impact program for youthful offenders as a condition to probation.	Enacted
	OK 12 OS § 1803	Provides certification for victim-offender mediation program.	Enacted
<b>Ignition Interlock Device</b>	<b>An enhancement to condition of sentence; a device that does not allow a car to start if the driver is intoxicated.</b>		
	DE SB 308	Creates the Ignition Interlock Device Act.	Enacted
	GA HB 165	Permits the installation of ignition interlock devices as a condition of probation.	Enacted
	IN IC 9-30-8, 9-30-5-16/PL 2-1991, § 18	Establishes the use of interlock devices as a sentencing option.	Enacted
	MN '91 Legislation	Establishes a pilot program for ignition interlock devices for alcohol-related offenses.	Failed
	NE LB 93/491	Permits the use of interlock devices as a term of probation.	Pending; Sponsor: Landis; Hall/Will
	OR Ch. 746, OR Laws 1987	Creates a Pilot Program using ignition interlock devices.	Enacted
RI 91HB 5202	Creates a commission to study alcohol-related vehicle offenses and the feasibility of using ignition interlock.	Passed	

A SAMPLING OF STATE LEGISLATION ON INTERMEDIATE SANCTIONS

TOPIC	BILL #/ CITATION	SUMMARY	STATUS
Implantation of Birth Control Device	TN TCA § 55-10-412	Provides for the discretionary use of ignition interlock devices in addition to all other penalties.	Enacted
	KS HB 2255	A court-ordered sanction upon offender's consent to surgically implant a device making pregnancy impossible.	Pending; Sponsor: Patrick
	TN HB 1860/SB 2452	Provides a \$500 incentive for welfare mothers who have a birth control implant (not related to corrections).	Pending; Sponsor: McDaniel, Sipes
Educational Programs/Drug Abuse		A court or parole board may stipulate the offender attend certain programs as a condition of their release.	
	CA SB 2186/ Ch. 1048	Establishes social programs, alcohol and drug programs and group homes.	Enacted
	AB 716/Ch. 124	Establishes literacy programs for probationers.	Enacted
	CO HB 91-1173	Provides for education of drug-involved offenders.	Enacted
	FL FS § 921.187(1)(B) 948.01(3)	Establishes a split sentence/backend of drug treatment program and supervision following a period of incarceration.	Enacted
	KS HB 2310	Requires a high school diploma, GED or vocational training as a condition of probation and requires employment or school attendance for assignment to community corrections.	Pending; Sponsor: Cozine
	ME LD 2177	Rewards inmates who aggressively pursue high school equivalency certificates or the achievement of functional literacy.	Pending; Sponsor: Anthony

A SAMPLING OF STATE LEGISLATION ON INTERMEDIATE SANCTIONS

TOPIC	BILL #/ CITATION	SUMMARY	STATUS
GED or Vocational Training	MD Ch. 410/HB 515-1990 Session Laws	Provides for educational programs for probationers.	Enacted
	MT Ch. 393, Laws of MT, 1991	Authorizes treatment programs for the prevention of chemical dependency.	Enacted
	NV AB 68	Relates to offenders attending educational and treatment programs for abuse of alcohol and drugs.	Enacted
	OH SB 131	Requires education and training on alcohol-related convictions.	Enacted
	HB 590	Encourages judges to require first time DUI offenders to speak to high school students.	Pending; Sponsor: Bergansky
	TN § 40-36-302	Provides for GED training as a community corrections option.	Enacted
	WI WS § 304.06(lr)	Requires continuing education as a condition of parole.	Enacted
		A special condition by the sentencing court to further one's education and training.	
	FL § 944.026(1)(B)	Provides for placement in employment programs.	Enacted
	ID § 20-219	Provides for employment counseling for nonviolent offenders.	Enacted
KS HB 2310	Requires a high school diploma, GED or vocational training as a condition of suspension or probation.	Pending; Sponsor: Cozine	
ME Title 34A, § 3601, 3605	Provides for suitable academic and vocational programs to be maintained within correctional facilities.	Enacted	



A SAMPLING OF STATE LEGISLATION ON INTERMEDIATE SANCTIONS

TOPIC	BILL #/ CITATION	SUMMARY	STATUS
Licensing Sanctions for Professionals	MI HB 4843	Provides for educational programs for ex-offenders.	Failed
	NV NRS § 209.449	Provides credits for vocational training.	Enacted
	NC NCGS § 15A-1343(b)(7)	Requires offenders to faithfully pursue a course of study in vocational training as a condition of probation.	Enacted
	OH SB 197/HB 453	Requires that certain prisoners attain GED as a requirement for parole eligibility.	Pending; Sponsor: Pfeiffer
	SB 48	Requires ODRC to diminish sentences of first time offenders who complete a GED.	Pending; Sponsor: Snyder
	OK 57 OS § 538	Establishes vo-tech. educational policies and programs.	Enacted
	TN TCA § 41-21-226, 504	Provides education evaluation and rehabilitation services for offenders.	Enacted
	VA VCA § 53.1-41, 53.1-131	Permits work release, vocational training, educational and rehabilitation programs.	Enacted
		Provides licensing sanctions for professionally-licensed individuals who are convicted of offenses involving dangerous drugs.	
	AZ Ch. 34	Relates to license revocation for drug offenses.	Enacted
MD Ch. 410/HB 515-1990 Session Laws	Imposes sanctions on certain licensed offenders.	Enacted	
MT HB 412	Provides licensing sanctions for professionally-licensed individuals who are convicted of offenses involving dangerous drugs.	Failed	

**A State-by-State Sampling Of State Legislation On  
The Use of Sanctions By Probation And Parole**

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**SUPPLEMENTARY INFORMATION**

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## **COMMUNITY CORRECTIONS ACT**

States are developing comprehensive bills that create additional sentencing options by increasing intermediate sanctions and correctional alternatives, thus, revamping correctional departments. The motive of a Community Corrections Act is to control the use of prisons and promote the use of community-based sanctions. If the Community Corrections Act is successful, correctional departments operate with efficiency and economy.

In 1991 Florida's legislature enacted the "Community Corrections Partnership Act." The Partnership Act developed additional and more effective intermediate sanctions for a specific offender profile that could benefit from increased sanctions and community release. The purpose of the Partnership Act was developed in order to appropriately utilize the prison beds for the more violent and serious offenders in need of incarceration. The Act lent credibility to intermediate sanctions and placement of offenders in the community.

## **SENTENCING GUIDELINES**

Citizens of every state entrust in the judiciary the responsibility of making the most appropriate sentence on the guilty. There are many factors which play a major role in decision-making. The facts of the present crime, the offender's past criminal record and the violence involved in the act are major elements in the sentencing process. Many mitigating factors play a secondary role in sentencing. History of substance abuse, home environment, education, work history, the opinions of the prosecutor and victim are all taken into consideration. With all of these factors to be considered, disparity in sentencing is a common occurrence. For this reason, states are developing sentencing guidelines for the judiciary to follow. Structured sentencing allows for emotion to be removed and proper assessment of individual cases to be administered. Public outcry and personal threats of voting against judges for sentencing decisions of highly publicized cases would be removed from the process.

Minnesota's correctional problems are less than in many other states due primarily to the sentencing guidelines and community programs available. Minnesota's Sentencing Guidelines are a national landmark in sentencing reform. They strive to achieve fair sentencing of offenders through consistent treatment of similar offenders, implement correctional and community-based programs efficiently and provide proportional sentences based upon the serious nature of the crime. Disparity in sentencing is no longer a concern due to the structure of the sentencing guidelines.

Historically, sentencing guidelines have been focused on prison terms and disparity in sentencing. The future of sentencing guidelines will call for the corporation of a range of community-based intermediate sanctions, a continuum of punishments.

## **INTERMEDIATE SANCTIONS**

Intermediate sanctions were originally created as conveniently fitting between traditional probation and incarceration. Due to an offender's varying degrees of criminality, it only seemed just to have a number of sentencing options that could be imposed upon an offender. Further, intermediate sanctions are being implemented on offenders who were not considered immediate risks to the community and were not intended to be sentenced to prison but were sentenced to a "beefed up" probation.

Sentences can include a sentence of only one intermediate sanction or a sentence consisting of a combination of intermediate sanctions. A thorough assessment of the offender should be conducted prior to sentencing to determine what would work best with individual offenders.

It is difficult to assess the actual cost factor of intermediate sanctions due to the vast array of community services provided. Further, the offender may be held accountable for part or all of some supervision costs. For example, it is a common practice for the offender who is being monitored electrically at home to pay part or all of the equipment costs for the privilege of program participation.

The drug-involved offender is a prime candidate to be supervised within the community incorporating one of more intermediate sanctions. It is more cost-effective to rehabilitate these offenders through substance abuse treatment, drug testing and intensive supervision than to build more correctional facilities and house and feed them.

Before the benefits of intermediate sanctions can be assessed, several "kinks" must be alleviated. The most basic problem is the attitude of a few judges and prosecutors. These officials may have a "lock 'em up and throw away the key" attitude which prohibits them from considering intermediate sanctions as an alternative to incarceration.

Another quirk that many states are experiencing is that statistically speaking intermediate sanctions are not helping to reduce prison crowding. Judges and parole boards have begun to use intermediate sanctions, however, the many offenders would have been sentenced to traditional probation or paroled under regular supervision. Judges and parole boards need to place offenders in programs that normally would be sentenced to prison.

## **BOOT CAMPS/SHOCK INCARCERATION PROGRAMS**

Boot camps and shock incarceration programs consist of short-term periods of incarceration for offenders who may pose risks to the community by being returned to supervised release on traditional probation. While incarcerated, public safety is enhanced and other sanctions such as treatment and drug testing may be applied in order to deter further drug abuse upon return to the community.

As of 1990, 14 states incorporate some form of shock incarceration. Usually this form of punishment is no longer than a six month duration, however, it can be extended depending upon the offender's behavior. The majority of offenders that participate in shock incarceration programs are youthful offenders, usually first-time felony offenders of nonviolent crimes.

Boot camps first became a reality in Georgia in 1983. The program consists of a highly regimented and disciplined experience which may include substance abuse treatment, restitution and community service. By providing a military-type, rigorous routine, boot camps can rehabilitate an offender by promoting self-awareness, improving self-esteem and a feeling of pride and ability to succeed.

### **INTENSIVE SUPERVISION**

Intensive supervision is used as a monitoring technique for increasing control over offenders in the community, thereby reducing the risk of offenders living within the community. Intensive supervision is the heart of intermediate sanctions. It consists of increased contact between the offender and the supervising agent. Probation and parole officers assigned intensive supervision caseloads are smaller in numbers allowing more time to be spent on each offender.

Prisoners incarcerated in the state of New Jersey are required to submit a plan to a Screening Board and a Resentencing Panel consisting of judges that outline how the offender's release to the community will result in a positive social adjust and not jeopardize the public's safety. Individual plans consist of employment, community service and substance abuse treatment when appropriate. The New Jersey Intensive Supervision Program has the capacity to remove 500 inmates from correctional facilities by incorporating monitoring techniques and programs for managing caseloads. The program has saved the state over \$19,000 an offender annually. Participation in the ISP program is approximately \$5,700 per offender as compared to \$25,000 per inmate. The structured program has resulted in a very low recidivism rate; only 4.3% of offenders successfully completing the intensive supervision program were convicted of new indictable offenses.

### **DRUG TESTING**

Drug testing is a monitoring technique used to determine that an offender remains drug free and is used in conjunction with another sanction, intensive supervision. For best results, drug testing and treatment programs should compliment one another. In *Legal Issues in Drug Testing Probation and Parole Clients and Employees*, Rolando del Carmen and Jonathan Sorenson found that the "knowledge that drug users are heavily involved in crime has led to the demand for drug testing in the criminal justice system in an attempt to identify these persons for special treatment." Drug testing is the most reliable assessment tool in determining an offender's drug use.

The Office of National Drug Control Policy is proposing legislation that mandates a comprehensive drug testing program for each state in order to be eligible for BJA formula grants. The administration strongly supports drug testing through urinalysis as the only reliable and practical method to measure drug use of probationers and parolees. The National Drug Control Strategy endorses the implementation of drug testing programs at each stage of the criminal justice process for criminal offenders.

### **ELECTRONIC MONITORING**

Electronic monitoring incorporates the use of equipment to watch over thus, making sure the offender is where he is supposed to be. This technique is usually applied in conjunction with house arrest and intensive supervision programs. Electronic monitoring provides the surveillance component at a reduced cost since the offender is usually responsible for the equipment rental. It lends credibility to intensive supervision programs as an alternative sentencing option by increasing the confidence of judges and parole boards.

Colorado implemented the use of electronic monitoring equipment due to crowded county jails housing offenders sentenced to prison. The backup in the state prisons caused a domino effect by placing county jails in a similar predicament. The Colorado Judicial Department implemented an intensive supervision pilot program in 1984 with a strict criteria for prison-bound offenders to alleviate jail crowding. Due to its success, electronic monitoring was added as an additional surveillance component in 1988. Although preliminary evaluations of electronic monitoring are inconclusive, probation officers support the surveillance method and have requested its expansion.

### **HOUSE ARREST/HOME CONFINEMENT/HOME DETENTION**

Home arrest orders the offender confined to his residence for specific periods of time. Offenders are allowed to leave their residence only for employment, medical reasons, meetings with his probation or parole officer and certain assignments such as community service. House arrest provides the offender an opportunity to support his family financially and emotionally and make restitution to the victim for the crime committed.

In 1988, the Arizona Legislature enacted the Home arrest statute providing for a conditional, discretionary release to eligible inmates as determined by the Arizona Board of Pardons and Paroles. In essence, the inmate is allowed to complete a prison sentence in the community and reside in a private home under a highly structured residential environment. Home Arrest is a restrictive program incorporating a number of community controls.

### **COMMUNITY SERVICE/WORK PROGRAMS**

Community service orders require an offender to volunteer or work without pay for a predetermined number of hours. Community service may be accepted in place of a fine for

the indigent offender. Community service can be used in conjunction with other more punitive sanctions or stand alone.

Michigan has set a \$6 an hour credit for indigent offenders that have been ordered to pay a fine or restitution. This monetary amount can be converted by participating in a set number of community service hours. For example, if an offender was ordered to pay a \$600 fine, he may work 100 hours within the community to satisfy the fine obligation.

## RESTITUTION

Restitution has gained more popularity with the victims movement. Increasingly, it is being used as a sanction with other more stringent intermediate sanctions. When there is no identifiable victim, the restitution is contributed to the Victim Compensation Fund.

Kentucky statutes authorize mandatory restitution as a condition of probation or parole. If restitution is not made, the offender may be returned to court to face contempt charges or face possible parole revocation. The offender must prove that every attempt has been made to pay restitution.

## FINES

Fines are defined as a monetary punishment. Offenders may be ordered to pay a fine as well as other sanctions. The funds collected through the payment of fines are used to pay for specific programs such as drug testing and administrative costs for the actual prosecution associated with cases.

Fines are a very common punitive sanction imposed by judges and used extensively throughout the United States. A research study conducted by the National Institute of Justice entitled *Fines as Criminal Sanctions* concluded that over \$1 billion in fines is collected each year. Many programs could not exist without funding received from fines collected.

## DAY REPORTING CENTERS

Day Reporting Centers were originally established within intensive supervision programs. The DRC required the offender to physically report to a Center on a daily basis and provide the probation or parole officer with a daily schedule of activities. Random telephone calls throughout the day and evening are made to the offender in order to verify the schedule that was submitted was, in fact, accurate.

DRCs as an intermediate sanction is a new concept for the state of Texas. In a restructuring of correctional alternatives, DRCs were implemented as a highly structured, non-residential facility providing programs consisting of supervision, reporting, employment, counseling, education and community resource referrals to probationers.

## **SUPERVISION FEES**

Supervision fees are assessed to offenders and may cover specific programs or deposited directly into the state's general fund. The Kentucky State Legislature created the supervision fee to cover hazardous duty pay for probation and parole officers and retirement at 20 years instead of the 25 year norm. In 1991, Maryland's legislators passed legislation (HB 198/SB 213) requiring all probationers to pay a \$25 supervision fee and parolees to pay \$40. It is estimated that these fees will bring inn over \$6,000,000 a year in five years time.

Even though supervision fees are not considered an intermediate sanction, that is, something administered to effect behavior change, they will be included in this section. Over the last decade, correctional caseloads have skyrocketed. The Bureau of Justice Statistics recently released alarming probation and parole statistics for 1990. Over 4 million adults are under the supervision of the courts and state correctional agencies. That is one out of every 150 adults in the United States is under some type of supervision.

The costs of maintaining offenders on supervision is snowballing. Fiscal survey of the states have shown huge budgetary constraints. State correctional budgets are not increasing at the rate of offenders being supervised. The solution to this problem has been to assess the offender a supervision fee. Many states are enacting legislation requiring probationers and parolees to pay for supervision. Some states have a monthly fee while other states require a one time payment. The fees may range from \$10 a month to \$250 one-time, assessment fee.



# STATE-BY-STATE DESCRIPTION OF LEGISLATIVE BILLS, STATUTES AND ACTS PERTAINING TO INTERMEDIATE SANCTIONS

The sampling contains an indepth description of each bill, statute or act.

- **Boot Camps/Shock Incarceration Programs ( summary will distinguish between the two)**
- **Community Correctional Centers**
- **Community Corrections Act**
- **Comprehensive Act**
- **Community Punishment Program**
- **Community Service**
- **Crime Omnibus Bill**
- **Day Reporting Centers**
- **Detention Centers**
- **Drug Testing**
- **Drug Treatment/Drug Abuse Programs**
- **Electronic Supervision/Monitoring**
- **Fines/Penalties/User Fees/Day Fines**
- **Home/House Arrest/Home Detention Programs/Community Control Programs**
- **Intensive Supervision Program**
- **Residential Programs/Halfway Houses/Group Homes**
- **Restitution/Reparation**

## **ALABAMA**

**AC § 15-18-170 Community Punishment and Corrections Act of 1991.** Provides a community punishment and corrections program and procedures as an alternative punishment for eligible inmates; provides for local community punishment and corrections planning boards in the judicial circuit or counties to develop local community punishment and corrections plan to qualify for receipt of funding; establishes alternative plans and programs including planning, treatment, guidance, training and other rehabilitative services and programs. Community punishment and corrections programs includes in addition to confinement, work release, day reporting, home detention, restitution programs, community service, education and intervention programs and substance abuse programs. Inmates that participate in work release shall be paid a wage set by the federal minimum wage. The wages are sent directly to the county or the inmate's designated agent. 25% of the gross wages shall be applied to costs incident to the inmate's confinement, and a minimum of an additional 20% shall be applied, 10% to payment of court costs, fines, court-ordered attorney fees, and other court-ordered fees or assessments and 10% to restitution. The remainder of the inmate's wages may be credited to his account. **Enacted.**

**AC § 12-23-1 et.seq. Mandatory Treatment Act of 1990.** Establishes a statewide alcohol and drug abuse court referral officer program and indigent alcohol and drug abuse treatment program to provide assistance to the courts in the education and rehabilitation of defendants convicted of alcohol and/or drug-related offenses; establishes a pre-trial diversion program; authorizes the administrative director of the courts to appoint or contract with persons to provide the court referral officer program within court jurisdictions; provides for the duties of court referral officers; provides for the assessment, collection, and distribution of a court referral officer assessment fee and monitoring fee to be paid by defendants convicted of alcohol and/or drug-related offenses; provides for drug testing and treatment for probationers and parolees. **Enacted.**

**AC § 13A-12-280 et.seq. Treatment Alternatives.** Provides for the mandatory assessment of a an additional penalty for persons convicted of any controlled substance offense, and to provide for treatment alternatives. The court may suspend the collection of a penalty imposed pursuant to this act if the defendant agrees to enter a drug rehabilitation program approved by the court and if the defendant agrees to pay for all or some portion of the costs associated with the rehabilitation program. **Enacted.**

**AC § 15-22-56 Intensive Supervision Program.** Authorizing the board of pardons and paroles to establish an intensive supervision program and to determine which persons under supervision shall be assigned to such a program. The board of pardons and paroles is authorized to charge each participant in the intensive supervision program a fee for supervision costs, which shall not exceed 25% of their gross monthly income. **Enacted.**

**AC § 15-18-111 Supervised Intensive Restitution Program.** Amends the Code of Alabama § 15-18-111 to further define the word inmate for purposes of the supervised intensive restitution program. **Enacted.**

## ALASKA

**AS § 33.05010**      **Reparation or Restitution.** Authorizes reparation or restitution as a condition to probation or a suspended sentence. The condition may be based on the offender's ability to pay. **Enacted.**

## ARIZONA

**ARS § 12-299**      **Community Punishment Program.** Provides programs for persons placed on supervised probation or intensive probation and provide for increased conditions of probation and community-based programs and services that emphasize supervision, surveillance, control, public protection, community work service, restitution and victim' rights and provide opportunities for rehabilitation and treatment. **Enacted.**

**ARS § 13-914**      **Drug Testing.** Provides for the administration of drug and alcohol tests if requested by a member of the intensive supervision team. **Enacted.**

**ARS §13-3408(C)**      **Community Service.** Provides that a defendant convicted of possession, use, administration, acquisition, sale, manufacture or transportation of narcotic drugs and granted probation, the court shall order that as a condition to probation the person perform not less than 360 hours of community service with an agency or organization providing counseling, rehabilitation or treatment for alcohol and drug abuse. **Enacted.**

**ARS §13-3408(F)**      **Drug Testing.** Provides for a condition of any probation or release, the offender shall be required to submit to drug testing administered under the supervision of the probation department. **Enacted.**

**ARS § 31-236**      **Home Arrest.** Provides the following program conditions: active electronic surveillance for a minimum term of one year or until eligible for general parole; participation in gainful employment; submission to alcohol and drug tests as mandated; payment of the electronic monitoring fee in the amount to be determined by the board of not less than \$1 per day and not more than the total cost; remain at his place of residence at all times except for movement out of the residence according to mandated conditions; adherence to any conditions imposed by the court, board of pardons and paroles or supervising correctional officers; and compliance with all other conditions of supervision. **Enacted.**

**Chap. 9, § 13-914/SB 1243**      **Intensive Supervision.** Requires house arrest, surveillance officer/probation officer team with maximum caseload of 25 clients, wage garnishment, urinalysis testing, mandatory full-time employment or school, and treatment intervention. Requires paying restitution and probation fees of not less than \$30 unless the court determines the offender's inability to pay; allows for the administration of drug and alcohol tests; and requires performing not less than 40 hours of community service each month. **Enacted.**

**ARS § 13-901, 31-412 Restitution.** Establishes mandatory restitution as a condition of probation or parole. **Enacted.**

**Chap. 9, § 13-915/SB 1092 Special Shock Incarceration (Boot Camps).** Prescribes eligibility of offenders for the shock incarceration program, and revises conditions for granting regular and intensive probation; prescribes that shock incarceration may be a condition of intensive probation, whereby the offender is incarcerated in the State Department of Corrections for a period of 45 days for eligibility screening; requires the offender to serve the entire 120 day period of incarceration unless he becomes medically unsound, or the court modifies or vacates the original sentence. If the offender successfully completes the program, the court may modify the conditions of intensive probation, except that restitution is required. **Enacted.**

## **ARKANSAS**

**Act 492-1989 Boot Camps.** Creates a boot camp program that is a voluntary, 15 week program of intensive behavior modification in an arduous, physically demanding, military-like environment. **Enacted.**

**Act 307-1991 Electronic Supervision.** Authorizes as a condition of parole or other community supervision, to require parolees or other inmates under community supervision to participate in a home detention program to be supervised electronically. **Enacted.**

**Act 307-1991 Home Detention.** Authorizes as a condition of parole or other community supervision, to require parolees or other inmates under community supervision to participate in a home detention program to be supervised electronically. **Enacted.**

## **CALIFORNIA**

**CPC § 6250 Community Correctional Centers.** Authorizes the Director of the Department of Corrections to establish and operate community correctional centers; the director may transfer prisoners and place parolees in community correctional centers. **Enacted.**

**SB 2000/Chap. 1594 Substance Abuse Community Correctional Detention Center.** Authorizes the Director of Corrections to establish and operate facilities known as community correctional centers with the primary purpose of which is to provide housing, supervision, counseling and other correctional programs for persons committed to the Department of Corrections; provides for the establishment of substance abuse community correctional detention centers and programs for the management of specified offenders, including, but not limited to parole violators, offenders with short sentences and offenders with known substance abuse histories. **Enacted.**

**AB 1871/SB 187 Community Corrections Act of 1991.** Implements the Community Corrections Act of 1991, to be administered by the board of corrections, to provide direction and funds to localities through grants and contracts to expand public or community-based intermediate sanctions commensurate with public safety. **Enacted.**

**SB 26 Sentencing: Community Corrections Program.** Authorizes counties to establish a community corrections program into which a convicted felony offender who has been sentenced to state prison and who meets specified criteria could be placed by a court in a corrections program for up to nine months. **Pending; Sponsor: Lockyer.**

**SB 26 Intensive Correctional Supervision Program.** Applies to qualified probationers and includes the following conditions: intensive supervision teams, consisting of at least two officers, which shall supervise no more than 40 offenders at one time; close supervision and observation of offenders being supervised including face-to-face contact between an officer and the offender at least two times per week; frequent chemical testing; at least weekly contact with the officer and the offender's employer, educational institution, treatment program or counselor; inpatient and outpatient treatment programs for alcohol and drug abuse; job training, placement, educational programs shall be mandatory for offenders not employed full-time; a requirement that each offender work 8 hours per day, 5 days per week, with employment, education, a job search, community service, counseling, treatment or a combination; and a case management approach. **Pending; Sponsor: Lockyer.**

**CPC § 11551 Drug Testing.** Provides for tests to determine use of controlled substances as a condition of probation or parole; includes costs of program administration; and regulations. **Enacted.**

**CPC § 1203.1ab Drug Testing.** Provides for drug testing as a condition of probation. **Enacted.**

**SB 2186/Chap. 1048 Group Homes.** Authorizes the department to implement a program for the establishment of group homes for alcohol and drug abusers; provides loans to group resident-run homes. **Enacted.**

**CPC § 1203.016 Home Detention Program.** Authorizes any county to offer a program under which minimum security inmates and low-risk offenders committed to a county jail may voluntarily participate in a home detention program. **Enacted.**

**CPC § 1203.1 Restitution.** Requires that restitution payments received by the probation department be sent to the victim in a prescribed period of time. **Enacted.**

**SB 2186/Chap. 1048 Alcohol and Drug Programs.** Allocates funds to counties to establish programs or to fund other programs deemed necessary to meet the social needs of the county population; requires each county to administer various drug and alcohol programs; each county is required to have an alcohol program and a drug program plan approved by the department prior to receiving funds from the department. **Enacted.**

**CPC § 6300 Jail Camps.** Establishes regional jails with a primary purpose of confinement and treatment; provides for jail camps for offenders sentenced to probation. Enacted.

**AB 1706/Chap. 257 Community Service.** Provides that if probation is granted, the court must assess, as a condition of probation, a minimum fine of \$1,000 for the first offense, \$2,000 for the second and subsequent offense, except in unusual cases. The bill also provides that the court may, and in the case of a defendant who does not have the ability to pay, must order community service in lieu of the fine. Enacted.

**AB 2103/Chap. 215 Electronic Monitoring.** Authorizes the Department of Corrections and the Board of Prison Terms to require, as a condition of release on parole, or as an intermediate sanction in lieu of return to prison, that an inmate or parolee agree in writing to the use of electronic monitoring in order to verify his or her compliance with all other conditions of parole. Enacted.

## **COLORADO**

**Article 27.7 of Title 17, CRS Regimented Inmate Discipline and Treatment Program.** Requires the program to be structured in such a manner that any offender who is assigned to the program by the executive director shall remain in the program for 90 days. Enacted.

**Article 27 of Title 17, CRS Community Correctional Facilities.** Provides a sentencing option and increases the potential for victim restitution and offender access to rehabilitation programs. Enacted.

**CRS § 16-11-701 Community or Public Service.** Establishes a community or useful public service program in order to identify and seek cooperation of governmental and nonprofit organizations for the purpose of providing community or useful public service jobs; interviews offenders ordered by the court to perform community or useful public service and assign them to jobs; monitor compliance or noncompliance of offenders within the time established by the court. Enacted.

**CRS § 16-11-102.5 Drug Testing.** Provides for drug testing as a condition of probation and provides specific sanctions for offenders who test positive for controlled substances. Enacted.

**HB 91-1173 Drug Treatment.** Concerns the elimination of substance abuse in the criminal justice system; provides the Judicial Department and the Departments of Corrections and Public Safety to develop and implement a standardized procedure for assessment of use of controlled substances by offenders; a system for education and treatment of such offenders; and a system of punitive sanctions for offenders that test positive in subsequent tests; creates a fund and surcharge on drug offenses to help fund the costs of these provisions. Enacted.

**HB 90-1227/§ 16-11-204(2)(k.5) Home Detention Programs.** Provides an alternative correctional sentence or term of probation supervision wherein an offender is allowed to serve his sentence or term of probation within his home or other approved residence; requires the offender to remain within his approved residence at all times except for approved employment, court-ordered activities and medical needs. **Enacted.**

**CRS § 16-11-213/§ 17-27.5-101 Intensive Supervision Programs.** Establishes an intensive supervision program and requires that offenders in the program receive at least the highest level of supervision that is provided to probationers including highly restricted activities, daily contact between the offender and the probation officer, monitored curfew, home visitation, employment visitation and monitoring, drug and alcohol screening, treatment referrals and monitoring, and restitution and community service and shall minimize the risk to the public. **Enacted.**

**CRS § 16-11-204.5 Restitution.** Expands the definition of the victim to include those who have suffered from contractual loss in order to allow them to qualify for restitution; authorizes restitution to be ordered as a condition of probation. **Enacted.**

**HB 91-1173 Education for Drug-involved Offenders.** Requires that all persons sentenced for drug offenses be evaluated to determine if drug abuse treatment is needed and requires that any offender who is found to need drug abuse treatment be sentenced to complete such treatment; creates a drug offender public service and rehabilitation program and sets parameters for such program; assesses each drug offender a certain amount upon conviction and sets up a system for the distribution of the moneys received pursuant to such assessment. **Enacted.**

## **CONNECTICUT**

**Bill 5903/SB 10 (1990) Alternative Incarceration Units.** Provides for the decrease in state expenditures by using existing abandoned military facilities for regional alternative incarceration units for persons with substance abuse problems; provides sufficient funds for the expansion of the boot camp programs. **Failed.**

**HB 7554 (1989) Community Service.** Authorizes the director of probation to establish and oversee a community service program within the Office of Adult Probation; provides for eligibility requirements; defines community service program as a program where defendants or convicted people are placed in unpaid positions with nonprofit or tax-supported agencies to complete a specified number of hours of work in a given time period. **Failed.**

**PA 90-213 Community Service Labor Program.** Provides alternative sanctions, a community service labor program; bail reform; the caseload of probation officers; an increase in the surcharge on infractions and certain motor vehicle violations; the payment of speeding fines; and child support enforcement. **Enacted.**

**CGS § 53a-39a Alternatives to Incarceration Programs.** Provides that alternative incarceration programs to include, but not limited to, an intensive probation program, any community service program approved by the chief court administrator which provides care, supervision and supportive services such as employment, psychiatric and psychological evaluation and counseling, and drug and alcohol dependency treatment. **Enacted.**

**CGS § 54-105(b) Drug Testing.** Establishes an intensive supervision program within the Office of Adult Probation with a condition providing for urinalysis or some other form of drug testing. **Enacted.**

**CGS § 17a-649-658 Drug Testing.** Provides for treatment and/or probation for cases where prosecution may be suspended, or upon conviction for violation of various illegal uses of drugs; provides specifically for drug testing as a condition for supervision. **Enacted.**

**HB 7053 (1989) Drug Treatment Programs.** Requires the commitment to a drug treatment program of drug-dependent persons convicted of drug offenses. **Failed.**

**Bill 6971 (1989) Monitoring Program.** Assists the Office of Adult Probation in handling clients in need of mental health and substance abuse evaluation and treatment by developing a monitoring and evaluation program. **Failed.**

**Bill 7059 (1989) Home Detention.** Relieves prison overcrowding by providing for home detention and electronic surveillance of persons convicted of nonviolent misdemeanors. **Failed.**

**PA 90-261 Home Release Program.** Provides for the supervised home release program; the special; alternative incarceration program; a drug enforcement grant program; intensive probation; parole; conditions of pretrial release; emergency correctional facility projects; costs of drug testing; waiver of court fees; and a study concerning drug testing of arrested persons. **Enacted.**

**PA 89-383/HB 7539 Home Detention.** Provides for sentencing alternatives; conditions for release from correctional facilities; works of art in correctional institutions; and eligibility for youthful offender status. **Enacted.**

**PA 90-261 Intensive Supervision.** This Act allows the Office of Adult Probation to place individuals of intensive probation and changes the type of people who are eligible for it and how they are placed in it. **Enacted.**

**HB 7072 (1989) Double Restitution.** Provides for a program that institutes double restitution for certain petty larceny charges in exchange for a clearing of the record of the accused. **Failed.**

**CGS § 53a-30 Restitution.** Provides that judges may order restitution as a condition of probation. **Enacted.**



**PA 89-290** An Act concerning prevention of substance abuse and enforcement of drug laws, increasing the number of judges of the superior court and increasing the number of off-track betting branch facilities which may have simulcasting screens. **Enacted.**

**Ch. 952 § 53a-39a** Alternate Incarceration Program includes an intensive probation program, any community service program approved by the Chief Court Administrator and any residential or nonresidential program approved by the Chief Court Administrator which provides care, supervision and supportive services such as employment, psychiatric and psychological evaluation and counseling, and drug and alcohol dependency treatment. **Enacted.**

**Ch. 952 § 53a-39c** Community Service Labor Program is established for persons who have not previously been convicted of a violation of possession of drugs. **Enacted.**

**Ch. 961 § 54-105** Duties of the Director of Probation; Intensive Probation Program; Community Service Program; Caseload Limitation. The purpose of intensive probation is to place persons in the community under close supervision and restriction to ensure public safety, reduce prison overcrowding and contribute to the rehabilitation of persons in the program. There shall be periodic testing for drug and alcohol use for probationers on intensive probation who have been identified as having histories of drug and alcohol abuse.

A Community Service Program including the Community Service Labor Program will assign, supervise and report compliance of persons sentenced to perform community service as a condition of probation or conditional discharge. **Enacted.**

**Ch. 961 § 54-123a** Creates the Office of Alternative Sanctions within the judicial department. The duties and responsibilities shall be to oversee and coordinate the implementation of alternative sanctions; evaluate the effectiveness of alternative sanctions and their impact on offenders, prison and jail overcrowding, court backlogs and community safety; plan and establish new alternative sanctions; develop criteria for determining the types of offenders appropriate to receive alternative sanctions. **Enacted.**

**HB 5903 (1990)** **Boot Camps.** Establishes boot camps.

**HB 5903 (1990)** **Community Corrections Center.** Establishes community corrections centers.

**CGS § 53a-39a** **Day Reporting Centers.** Provides that day reporting centers be included in the alternatives to incarceration programs as sentencing options for the court. **Enacted.**

## **DELAWARE**

**HB 592 Community Service.** Authorizes the court to impose a period of community service either as a condition of probation or as the sole sanction. **Enacted.**

**DCA Title 11, § 4101-4106 Restitution.** Requires police to prepare a "loss statement" for a sentencing judge who must order restitution, or, if not, explain the reasons on record. Payments received by the court will first pay the offenders' penalty assessment, then restitution and then any court costs and fines. **Enacted.**

**DE Law 11-4204 Alternative Sanctions.** When a person is convicted of an offense less than a class A felony the court may take the following action: (1) Impose a sentence involving an Accountability Level I sanction. Such sanctions include imposition of a fine as provided by law for the offense or placement of the offender upon **unsupervised probation** with or without special conditions, or with or without the imposition of a fine as provided by law for the offense; (2) Impose a sentence involving an Accountability Level II sanction. Such a sanction includes a placement of the offender upon **supervised probation** amounting to field supervision rather than intensive supervision, with or without special conditions, or with or without the imposition of a fine as provided by law for the offense; (3) Impose a sentence involving an Accountability Level III sanction. Such sanctions include placement of the offender upon **intensive supervision** or placement of the offender upon **community service**, with or without special conditions, or with or without the imposition of a fine as provided by law for the offense. Such intensive supervision shall entail at least the equivalent of 1 hour of supervision per day and no more than 56 hours of supervision per week; (4) Impose a sentence involving an Accountability Level IV sanction. Such sanctions include placement of the offender upon **partial confinement under house arrest** under the supervision of the Department of Correction or commitment of the offender to the Department of Correction under partial confinement to a **halfway house** or **restitution center** or placement of the offender in a **residential treatment facility**, all with or without special conditions, and all with or without the imposition of a fine as provided by law for the offense; (5) Impose a sentence involving an Accountability Level V sanction. Such a sentence consists of the **commitment** of the offender to the Department of Correction for a period of incarceration, with or without the imposition of a fine provided by law for the offense;...(8) Impose any sentence as authorized to include any special condition such as the payment of **restitution** to the victim or victims of the crime for which the offender is being sentenced and/or participation in a **drug/alcohol outpatient treatment program, job training program, mental health treatment program, education program, community service program** or other like programs. With regard to any such programs, the offender may be ordered to pay a fee covering in whole or in part, the costs of such program and such fees shall be based upon the offender's ability to pay therefor;... **Enacted.**

## **DISTRICT OF COLUMBIA**

**DC Law 8-142 Community Service Programs.** Establishes the Criminal Justice Improvement Commission Act of 1990; establishes the Criminal Justice Commission for the purpose of studying the feasibility of community-based alternatives to incarceration and advising the Council of the District of Columbia regarding development of sentencing diversion and community service programs. **Enacted.**

**Bill 9-212 Rehabilitation Programs.** Establishes the District of Columbia Drug Rehabilitation Alternative to Prison Act of 1991; establishes a rehabilitation program for persons charged with certain crimes, who are addicted to controlled substances, and who are likely to be rehabilitated through treatment, in lieu of prosecution or incarceration whereby the person will be civilly committed for confinement and treatment in order to restore to good health, and return to society as a useful citizen. **Pending; Sponsor: Lightfoot/Rolack.**

## **FLORIDA**

**§ 958.03 Boot Camps.** Provides that first-time felony offenders, 18-24 years old be considered for a form of shock incarceration for 90-120 days, modeled on a military training. Includes psychological methods to promote responsibility and improve decision-making. **Enacted.**

**HB 3711 Community Control Programs.** Provides for review of correctional educational programs by the Commissioner of Education; a study of medical expenses for county jails; a \$1 surcharge for the use of electronic monitors; Provides that participants of community control programs perform public service work; pay monthly fees to help offset the cost of the program; maintain regular and paid employment; submit to urinalysis and/or breathalyzer tests; and participate in self-improvement programs. **Enacted.**

**HB 2373/§ 948.50 & § 948.51 Community Corrections Partnership Act.** Creates partnerships between the State and counties designed to provide counties with direct financial assistance in their criminal justice efforts as well as create credible intermediate sanctions which will have the ultimate effect of allowing violent and more serious or chronic offenders remain confined in the state prison. **Enacted.**

**§ 921-187(i) & § 775.091/HB 2373 Public Service.** Provides for additional punishment that allows a judge to order the defendant to perform a specified public service. **Enacted.**

**§ 951.23 Work Camps.** Provides direct funding and operation of work camps to those counties interested in receiving dollar support; designed to be a minimum security facility where inmates are involved with programming and publicly visible work activities in the community; recommended length of sentence is 6-9 months for the appropriate utilization of beds. **Enacted.**

**HB 3711 Random Substance Abuse Testing.** Requires that a person convicted of a drug-related crime, a condition of supervision shall include a requirement that the person submit to random substance abuse testing intermittently throughout the term of supervision. **Enacted.**

**HB 2373 Drug Abuse Treatment Programs.** Establishes the Community Corrections Partnership Act and provides for community-based sanctions and treatment programs; creates drug offender probation as a form of intensive supervision which emphasizes treatment of drug offenders in accordance with individualized treatment plans administered by officers with restricted caseloads. **Enacted.**

**§ 921.187(d) & 944.026 Drug Treatment.** Creates the Florida Drug Punishment Act to treat offenders whose criminality is directly related to drug abuse, who have been found to possess a "dirty urine" and for whom rehabilitation is determined to be feasible. Eligible offenders may be placed in the 18 month, three phased drug punishment program following modification of the probation by the court. **Enacted.**

**Chap. 953 Serious Targeted Offender Program (STOP).** Establishes a program for offenders convicted of a drug offense, admits to the habitual use of a controlled substance or engages in criminal activity due to habitual substance abuse; provides in-depth assessment to determine if the offender is amenable to treatment; treatment is comprehensive, including job training, educational services, life skills, community involvement and restitution. **Enacted.**

**HB 3711/HB 379/§ 948.03 Electronic Monitoring.** Provides that electronic monitoring equipment have the capability of maintaining full operation on a backup power source for 8 hours; contain tamper resistant straps which will guard against removal and an antenna system which guards against body shielding from the RF signal; transmitter must weigh no more than 6 ounces and be sealed, water resistant, and shockproof; and other necessary and vital specifications as may be set by the department for efficient and economical usage. **Enacted.**

**FS § 921.187(c) & § 948.10/HB 379 House Arrest.** Establishes Community Control I which is a distinctively different type of program that is punishment oriented and allows selected offenders to serve their sentences confined to their homes under "house arrest" instead of prison. The caseload is statutorily restricted to 25:1. The program shall offer the courts and the Parole Commission an alternative, community-based method to punish an offender in lieu of incarceration when the offender is a probation or parole violator charged with either technical or misdemeanor violations or certain individuals with past criminal histories or the seriousness of the offense would not be placed on regular probation. **Enacted.**

**FS § 921.187(d) & § 944.026 Community Residential Facilities.** Imposes as a condition of probation or community control, a period of treatment which shall be restricted to either a county facility, a Department of Corrections probation and restitution center or a residential or nonresidential facility. The structured residential program is designed to improve his or her life skills and to develop responsibility. **Enacted.**

**FS § 921.187(2) & § 775.089 Restitution.** Requires the court to order the defendant to make restitution to the victim for damage or loss caused directly or indirectly by the defendant's offense, unless it finds clear and compelling reasons not to order such restitution; authorizes the Parole Commission to consider a restitution requirement as a condition to parole. **Enacted.**

**HB 2373 Restitution to Victims.** Creates a condition of restitution to the victim within the comprehensive Community Corrections Partnership Act. **Enacted.**

**FS § 921.187(1)(B)11 & § 948.01(3) Drug Treatment Program.** Allows for a period of incarceration to follow a period of supervision; provides an incentive for offenders to complete special conditions of probation which involve participation in drug treatment programs; provides that if the offender does not complete or comply with the conditions imposed that a specified period of incarceration will follow the period of supervision. **Enacted.**

## **GEORGIA**

**§ 42-8-35.1/SB 177 Boot Camps/Alternative Confinement.** Amends the "State-wide Probation Act" to include as a condition of probation, certain probationers may be required to complete satisfactorily a program of incarceration or confinement in a "special alternative incarceration--probation boot camp" unit of the Department of Corrections for a period of 90 days from the time of initial confinement in the unit. **Enacted.**

**Article 4, § 42-8-70 & § 42-8.72 Community Service Programs.** Provides that community service can be ordered as a condition of probation consisting of not less than 20 hours nor more than 250 hours in cases involving traffic or ordinance violations or misdemeanors with service to be completed within one year; and not less than 20 hours nor more than 500 hours in felony cases, which said service is to be completed within three years. **Enacted.**

**HB 1066 Uniform Drug Testing Programs.** Provides for the development and implementation for uniformed drug testing programs in the criminal justice system; provides for types of authorized tests; provides drug testing methodologies; provides for classes of offenses for which drug testing is authorized; provides for procedures, safeguards and on-site testing; provides for drug testing as a condition of probation and parole. **Pending; Sponsor: Cummings/McKinney.**

**HB 379 Electronic Monitoring.** Provides electronic monitoring devices for offenders participating in the home arrest program. **Enacted.**

**HB 379 Home Arrest.** Provides definitions and sets conditions for the use of a home arrest program by the court, sheriff or director or administrator of the program; authorizes the program for any person confined in county jail after conviction and sentencing, pending violation of probation; provides that the program include educational, counseling, alcohol or drug treatment, community service or other programs. **Enacted.**

**OCG § 42.8.35 Restitution.** Requires probation supervisors with the duty of enforcing restitution orders as a condition of probation, and reporting unpaid monies owed to the court. **Enacted.**

## **HAWAII**

**HRS § 706-605 Restitution.** Provides for general restitution to the victims of crime in the discretion of the court. **Enacted.**

## **IDAHO**

**IC § 20-219 Work Camps/Intensive Supervision Programs.** Establishes conditions of probation including community-based sanctions, shock incarceration programs, work camps and intensive supervision programs. **Enacted.**

**IC § 20-219 Community Service.** Provides for community service programs for non-violent offenders. **Enacted.**

## **ILLINOIS**

**HB 2685/PA 86-1182 Boot Camps.** Provides for the Department of Corrections to contract with private vendors to provide prison facility construction or management; creates an impact incarceration program for youthful offenders including mandatory physical training and labor, military formation and drills; regimented activities; uniformity in dress and appearance; education; and counseling. **Enacted.**

**HB 4124 Controlled Substance Act.** Amends the Illinois Controlled Substance Act by providing a sentence of probation for a conviction of an offense under the Controlled Substance Act shall be for 30 months; requires a person placed on probation under the Controlled Substance Act to undergo periodic drug testing in the manner and at a time as specified by the court, at least 3 times per probation period, at his expense and perform 100 hours of community service; provides that if a person is convicted of an offense under the Controlled Substance Act within 5 years subsequent to a discharge or dismissal of a charge under that Act, the previous discharge or dismissal may be used as an aggravating factor for sentencing purposes. **Failed.**

**SB 1874/PA 86-1320 Drug Testing.** Amends the Unified Code of Corrections requiring and offender sentenced to periodic imprisonment, probation, conditional discharge or supervision to pay all costs incidental to mandatory drug or alcohol testing and all costs incidental to approved electronic monitoring if the offender, during the term either undergoes such mandatory drug or alcohol testing or is assigned to be placed on such an approved electronic monitoring device; provides that the costs will be paid in accordance with the defendant's ability to pay those costs. **Enacted.**

**SB 2287 Substance Abuse Treatment Programs.** Amends the Alcoholism and Other Drug Dependency Act by limiting the court's discretion to place on probation a person the court thinks is an alcoholic or addict by stating that the court must be informed of the addiction by the individual convicted of a crime; provides that a person placed on probation and ordered to attend a designated treatment program may be held in the county jail until such time as an opening becomes available at the treatment program. **Failed.**

**SB 2258 Community Service.** Amends the Unified Code of Corrections as it relates to sentencing; permits an offender sentenced to probation or conditional discharge for a felony conviction or probation for aggravated battery of a child, first offender under the Cannabis Control Act or Illinois Controlled Substances Act to be sentenced to public or community service. **Failed.**

**HB 3590/PA 86-1342 Community Service Work.** Amends the Illinois Controlled Substances Act to provide for the imposition of a minimum fine of \$1,000 or a minimum of 100 hours of community service. **Enacted.**

**HB 3513/PA 86-1281 Electronic Monitoring.** Amends the Code of Criminal Procedure of 1963 and the Unified Code of Corrections and creates the Electronic Home Detention Law; establishes standards for placing offenders on approved electronic monitoring devices as an alternative to incarceration; provides that an "approved electronic device" is one primarily intended to record or transmit information concerning the defendant's presence or non-presence in the home; provides that certain persons not otherwise eligible for placement in an electronic home detention program may be placed in the program while on bond pending trial or appeal. **Enacted.**

**HB 3141 Home Arrest Programs.** Amends the Unified Code of Corrections prohibiting a sentence of home confinement for a defendant who has been convicted of an offense committed against a victim 60 years of age or older or who has been convicted of criminal sexual assault, criminal sexual abuse or aggravated criminal sexual abuse where the victim was under the age of consent. **Failed.**

**SB 1556/PA 86-1487 Residential Programs.** Provides for educational programs for Illinois students under the age of 21 who have been placed in residential programs designed to correct alcohol or other drug dependencies at a treatment facility licensed by the Department of Alcoholism and Substance Abuse; provides for the manner in which costs of such educational services are to be paid. **Enacted.**

**IS Chap. 38, § 1005-5-6 Conditional Restitution.** Provides that offenders may be sentenced to make restitution which shall be determined by the court; court may order restitution as a condition of probation or parole. Enacted.

**IRS 1989, Chap. 38, § 204-1b Intensive Supervision Program.** Provides for a highly structured 12 month program consisting of intensive supervision activities during the initial first quarter (Phase I), slightly decreased supervision throughout the subsequent two quarters (Phase II), and finally, again slightly decreased supervision during the final quarter (Phase III). The participant must complete 130 hours of public service work. A community service requirement is restitution which benefits the entire community. Program elements include: use of community service conditions; periodic record checks; referral for high need areas (drugs and alcohol); curfew restrictions; drug and alcohol testing; home and office visits; employment verification and employment; and internal discipline. Enacted.

## **INDIANA**

**PL 240-1991(ss2), IC § 35-38-2.6 Community Corrections Programs.** Allows direct placement to community corrections programs of persons convicted of certain offenses as an alternative to sentencing to the department of correction. Specifies that presentence reports may be made available to community corrections programs. Enacted.

**PL 67-1990, § 5.IC 11-13-3-4 Chemical Tests.** Provides the parole board to require a parolee to periodically undergo a laboratory chemical test or series of tests to detect or confirm the presence of a controlled substance; requires the parolee to be responsible for any charges resulting from a test, however, the person's parole may not be revoked based on his inability to pay for the test. Enacted.

**PL 91-1990, IC § 16-13-6.1 Drug and Alcohol Abuse Prevention Program.** Provides for the court to order a drug-abusing offender to satisfactorily complete an alcohol and drug service program; requires the offender to undergo treatment as a condition to probation. Enacted.

**Senate Act 380/PL 136-1989, IC § 9-11-3-5 Restitution.** Requires the court to include as a condition of probation, restitution to the emergency medical services restitution fund for emergency medical services necessitated because of the offense committed by the individual; provides that under this section, restitution may not be more than \$1,000. Enacted.

**IC § 35-38-2-2 Restitution.** Establishes as a condition of probation, offenders must make restitution. Enacted.



**PL 94-1990, IC § 11-14 Boot Camps.** Provides boot camps for youthful offenders including a paramilitary environment emphasizing discipline, physical development, value modification, treatment intervention and meaningful assignments; an opportunity to learn self-discipline, self-respect, and personal accountability; acquire a positive work ethic and job skills; form habits of cleanliness and hygiene; treatment and counseling; drug and alcohol abuse programs; counseling for emotional and mental problems; educational programs; and vocational training. **Enacted.**

## **IOWA**

**Chap. 910/SB 496 Restitution.** Provides for the sentencing court to issue a temporary order for restitution pending the determination of the amount of restitution to be collected. **Enacted.**

## **KANSAS**

**SB 49/SB 596 Boot Camps.** Changes the name of these facilities to conservation camps and the Secretary of Corrections is given authority to establish these facilities. The maximum stay in these camps is six months. Judges are given the authority to sentence directly to a conservation camp. alternately, the Secretary of Corrections, following diagnostic evaluation, is granted the authority to assign persons to conservation camps. At the end of six months, a performance report is submitted to the sentencing court. The judge shall be required to enter an order, upon review of the report, either reaffirming his original sentence or modifying the sentence as permitted, by sentencing the person to prison, community correction, probation or other authorized disposition. **Enacted.**

**KSA § 21-4611 & § 21-4602 Community Corrections Programs.** Provides for programs that operated under the Community Corrections Act and to which a defendant is assigned for supervision, confinement, detention, care or treatment, subject to conditions imposed by the court. **Enacted.**

**HB 3901/KSA § 75-5290 Community Corrections Act.** Relates to the reduction of grants with respect to certain community correctional services; establishes a specific list of criteria upon which the Secretary must base a determination to reduce a grant to a county; and provides that decisions on appeal to the State Community Corrections Board shall be final decisions and binding on the Secretary and the county subject to appeal. **Enacted.**

**SB 49**        **Community Corrections and Sentencing Overhaul Process.** Mandates all counties to adopt community corrections programs and makes a number of changes in the administration of community corrections, in sentencing procedures, and in penalties for certain crimes, including a modification of the mandatory firearm sentencing law and the Habitual Criminal Act. It creates a presumptive sentence of probation for class D as well as class E felons. If probation is not ordered, then a presumption is created for sentencing D and E felons to community corrections. **Enacted.**

**KSA § 44-508**        **Community Service Work.** Provides for community service work as public or community service performed as a result of a contract of diversion or of assignment to a community corrections program or suspension of a sentence or as a condition of probation or in lieu of a fine imposed by court order; provides for public or community service or other work performed as a requirement for receipt of any kind of public assistance in accordance with any program administered by the secretary of social and rehabilitation services. **Enacted.**

**KSA § 75-52, 127**        **Conservation Camps.** Establishes conservation camps to provide inmates with a highly structured residential work program. Such conservation camps shall be a state correctional institution or facility for confinement under the supervision of the secretary. **Enacted.**

**SB 49**        **Drug Testing.** Exempts urinalysis drug testing approved by the Department of Corrections performed by community corrections programs from laboratory standards set by the Department of Health and Environment. **Enacted.**

**KSA § 65-1, 108**        **Urinalysis Testing.** Provides that urinalysis tests for controlled substances performed only for management purposes on inmates, parolees or probationers by personnel of the Department of Corrections or Office of Judicial Administration and which shall not be used for revoking or denying parole or probation; provides urinalysis tests approved by the Secretary of Corrections for controlled substances performed by the community corrections programs; or provides urinalysis tests performed for management purposes only by personnel of alcohol and drug treatment programs which are licensed or certified by the Secretary of Social and Rehabilitation Services. **Enacted.**

**HB 2310**        **Educational Programs for Drug Abusers.** Requires a high school diploma, GED or vocational training as a condition of probation and requires employment or school attendance for assignment to community corrections. **Pending; Sponsor: Cozine.**

**SB 49/KSA § 21-4603b**        **House Arrest.** Provides that house arrest shall be administered by the court and the secretary of corrections through rules and regulations which may include rehabilitative restitution in money or in kind, curfew, revocation or suspension of the driver's license, community service, deprivation of non-essential activities or privileges, or other appropriate restraints on the inmate's liberty. **Enacted.**

## KENTUCKY

**KRS § 431.200**      **Reparation of Stolen Property.** Provides that any person convicted of a misdemeanor or felony for taking, injuring or destroying property shall restore the property or make reparation in damages if not ordered as a condition of probation. **Enacted.**

**KRS § 533.030**      **Mandatory Restitution.** Provides that mandatory restitution as a condition of probation or parole; provides that if restitution is not made, the offender may be brought back to court to fact contempt charges. **Enacted.**

**KRS 439.348**      **Intensive Supervision Program.** Authorizes smaller caseloads, 25 offenders per probation and parole officer to allow for closer surveillance. The program will focus on employment, continuing education, counseling, community resource referrals, maintenance of court-ordered fees, and special alcohol and drug treatment. A major emphasis of the program will be surveillance and will include home visits on weekends and at night. **Enacted.**

**HB 123**      **Community Corrections Programs.** Imposes community-based sanctions in light of the needs of crime victims and the community to reduce prison overcrowding and improve management within the Corrections Cabinet by providing the judicial system with sentences to be used in lieu of, at less cost, and to better effect on both victims, the community and the offender than imprisonment; provides for restitution to victims of crime and the community through financial reimbursement or community service; provides treatment, punishment, management, supervision, rehabilitation, mentoring, employment and other services to targeted offenders. **Pending; Sponsor: Lear.**

## LOUISIANA

**LCC Art. 895.1(c).** **Restitution.** Requires the defendants on supervised probation to pay monthly fees to defray the costs of probation and for supervised restitution orders; requires monetary restitution to victims or family as a condition of probation. **Enacted.**

## MAINE

**Title 34-a § 1210**      **Community Corrections Act.** Provides for community corrections to deliver correctional services for juveniles or adults in the least restrictive manner that ensures the public safety....including, but not limited to, preventive or diversionary correctional programs, pretrial release or conditional release, alternative sentencing or housing programs, electronic monitoring, residential treatment, halfway house programs, community correctional centers. **Enacted.**

**Title 34-A § 3035 Work Release and Restitution.** Provides for the chief administrative officer to permit any client under sentence to the department to participate in activities outside the facility under certain conditions. **Enacted.**

**LD 1270/1992 Public Law 224 Community Home-Release Monitoring Program.** Provides statutory authority to counties to establish a community home-release monitoring program for certain prisoners of county jails. **Enacted.**

**Title 17-A § 1261 Intensive Supervision.** Provides for a sentence to imprisonment with intensive supervision means a sentence to confinement outside an institution under a set of rigorous conditions imposed at the time of sentencing; provides for an alternative to institutional confinement which may be imposed in accordance with a period of institutional confinement or as the initial unsuspended portion of a split sentence; provides for a sentencing alternative to the courts for those persons who would otherwise have been sentenced to institutional confinement; provides for ten intensive supervision teams that are comprised of two ISP officers; provides that each team have a maximum caseload of 25 offenders; and provides for the teams to contact each offender at least 5 times a week. **Enacted.**

**LD 1572/1992 Public Law 364 Intensive Supervision Program.** Provides for the court to sentence inmates to the intensive supervision program. **Enacted.**

**LD 2177 Intensive Supervision.** Creates a system of parole for prisoners sentenced to terms of imprisonment and authorizes other forms of intensive supervision as special conditions of parole. **Pending; Sponsor: Anthony.**

**LD 1728 Shock Incarceration Program.** Establishes a shock incarceration program and provides a sentence of intensive discipline and regimentation molded on military basic training for a maximum of 120 days for certain offenders between the ages of 17 and 25. **Failed.**

**LD 2063 Electronic Monitoring.** Allows the court to impose a condition of probation requiring that convicted persons pay the costs of electronic monitoring devices needed to monitor supervised probation. **Pending; Sponsor: Manning.**

**LD 2177 Electronic Monitoring.** Provides for a system of parole for prisoners sentenced to terms of imprisonment and authorizes electronic monitoring as special conditions of parole. **Pending; Sponsor: Anthony.**

**LD 2063 Substance Testing Programs.** Allows the court to impose a condition of probation requiring that convicted persons pay the costs of substance testing needed to monitor supervised probation. **Pending; Sponsor: Manning.**

**LD 2177 Educational Programs.** Authorizes the granting of administrative good time to those inmates who are aggressively pursuing high school equivalency certificates or the achievement of functional literacy. **Pending; Sponsor: Anthony.**

**LD 2353 Community/Residential Confinement.** Establishes within the Department of Corrections the supervised community confinement program for certain prisoners. **Pending; Sponsor: Gill (Governor's Bill).**

## **MARYLAND**

**1991 Budget Boot Camps.** Provides for shock incarceration programs (boot camps) for young male offenders who have been convicted of less serious, non-violent crimes and that have not previously been to prison. **Enacted.**

**ACM Art. 27, § 726A Unpaid Work Assignments.** Provides that as a condition of probation, the court may assign or order a criminal defendant who has not been convicted of a crime of violence to perform community service. **Enacted.**

**Chap. 410/HB 515-1990 Session Laws or Art. 27, § 298 & Art. 27, § 639, 641, 641A Drug Enforcement Act of 1990.** Provides an omnibus drug abuse law and authorized state agencies that issue licenses for engaging in employment occupations and professions to impose sanctions on licensees who are convicted of controlled dangerous substance offenses. **Enacted.**

**ACM Art. 41, § 641B. Costs of Drug and Alcohol Abuse Testing.** Requires courts to assess a monthly fee of \$25 as a condition of supervision whenever a person is placed under the supervision of the Department of Parole and Probation; provides for the Division to collect the cost of drug and alcohol abuse testing and parole, probation or release under mandatory supervision can be revoked for non-payment of fees. **Enacted.**

**Chap. 410/HB 515-1990 Session Laws or Art. 27, § 298 & Art. 27, § 639, 641, 641A Drug Testing for Licensed Probationers.** Provides that a licensee that has been convicted of a controlled dangerous substance offense may be required to submit to periodic drug testing during the period of probation. **Enacted.**

**§ 10-914 Drug Testing.** Provides for controlled substances or alcohol tests performed by a laboratory certified by the Department of Health and Mental Hygiene and approved by the Division of Parole and Probation of the Department of Public Safety and Correctional Services and used to indicate if an offender is in violation of his probation or work release. **Enacted.**

**Chap. 410/HB 515-1990 Session Laws or Art. 27, § 298 & Art. 27, § 639, 641, 641A Drug Treatment.** Provides that a court order an offender who is sentenced to probation to participate in a drug treatment or education program approved by the Department of Health and Mental Hygiene. **Enacted.**

**ACM Art. 27, § 689A/Chap. 414 Home Detention Programs.** Provides for the Commissioner to establish home detention programs to permit inmates to live in an approved private dwelling; provides electronic monitoring and direct contact of Division employees. **Enacted.**

**1991 Budget - Intensive Supervision.** Creates the High Risk Offender Project including an intensive supervision and drug testing of inmates who are released on parole. **Enacted.**

**ACM Art. 27, § 640/Article 41 § 4-518 Restitution.** Provides as a condition of probation, the offender may be ordered to pay restitution if the property of the victim was stolen, converted or unlawfully obtained or its value substantially decreased as a direct result of the crime, or the victim incurred actual medical expenses, direct out-of-pocket losses or loss of earnings as a direct result of the crime; provides that an order of restitution be enforced in the same manner as a money judgment in a civil action. **Enacted.**

**Chap. 410/HB 515-1990 Session Laws or Art. 27, § 298 & Art. 27, § 639, 641, 641A Educational Programs.** Provides that a court order an offender who is sentenced to probation to participate in a drug treatment or education program approved by the Department of Health and Mental Hygiene. **Enacted.**

**Chap. 229/SB 59-1990 Session Laws or Art. 27 § 645 GG Detention Centers.** Authorizes local detention centers to collect fees for food, housing and clothing for prisoners assigned to weekend prisons. **Enacted.**

## **MASSACHUSETTS**

**SB 1705 Efficient Management through Intermediate Sanctions.** Establishes sentencing policies and practices by promoting intermediate sanctions consisting of any number of sanctions which are served or satisfied by the offender within the community in which the offender committed the offense or in the community in which the offender resides; provides for standard probation, intensive supervision probation, community service, home confinement, day reporting, residential programming, restitution, and means-based fines. **Pending; Sponsor: Boston Bar Association.**

## **MICHIGAN**

**SB 613/PA 511 of 1988 Community Corrections Act.** Offers communities the opportunity to receive state funds to implement a local program of corrections alternatives for nonviolent offenders. The program provides for victim restitution and community service by offenders, while helping to relieve overcrowding of the state prison system. In addition to funding, participating communities would receive technical assistance and training in developing and operating the programs. **Enacted.**

**SB 334/SB 335**      **Boot Camps.** Expands the use of boot camps now in use for probationers to prison inmates providing the maximum sentence imposed cannot exceed a specified term of years; convictions for certain crimes are precluded (criminal sexual conduct); provides for the sentencing judge must have no objection to this alternative sentencing. **Pending; Sponsor: Welborn.**

**SB 654**      **Community Service.** Allows a court to order a probationer to perform community service, instead of, or in addition to, other conditions of probation or as a method of paying fines, costs, or fees that the probationer was unable to pay. **Failed.**

**SB 654**      **Restitution.** Provides for the court to impose a condition of restitution to be paid to the victim or the victim's estate, however, the court shall not require a probationer to pay restitution or costs unless the probationer is or will be able to pay them during the term of probation; provides that the court take into consideration the probationer's financial resources and the nature of the burden that payment of restitution or costs will impose. **Failed.**

## **MINNESOTA**

**MS § 401.01**      **Community Corrections Act of 1973.** Diverts over 400 offenders per year from state prisons; supervises over 46,000 offenders with community sentences such as probation or parole; rehabilitates offenders with histories of chemical dependency, physical or sexual abuse and educational problems; and promotes the safety of the community. **Enacted.**

**Chap. 290/HB 59/SB 3**      **Community Crime and Drug Abuse Reduction and Prevention Programs.** Creates an omnibus crime bill by increasing sentences for a variety of crimes; revises criminal laws governing the unlawful sale, manufacture, distribution, or possession of controlled substances; creates community crime and drug abuse prevention programs. **Enacted.**

**§ 36.244.15(2)**      **Random Drug Testing.** During Phase I of the intensive community supervision program, the offender will be subjected to weekly urinalysis and breath tests to detect the presence of controlled substances or alcohol. The tests will be random and unannounced. **Enacted.**

**§ 36.244.15(3)**      **House Arrest.** Authorizes participants in intensive community supervision to be under house arrest in a residence approved by the probation officer and may not move to another residence without permission. House arrest means that the offender's movements will be severely restricted and continually monitored by the assigned probation officer. **Enacted.**

**SB 2621 Intensive Supervision.** Divides program into four phases, each with a different level of supervision. Phase I must last at least six months or one-half of the sentence, whichever is less; Phase II at least four months; Phase III at least two months; and Phase IV indefinitely until the commissioner determines that the level of supervision may be modified. Random testing for drugs and alcohol must be done weekly in Phase I, twice monthly in Phase II, and as determined by the probation officer in Phases III and IV. Offenders in Phase I must be placed on strict house arrest, in Phase II on modified house arrest and in Phases III and IV on a daily curfew. As the offender moves through the phases, supervision is reduced. Phase I requires at least four face-to-face contacts weekly, Phase II two contacts, Phase III one contact and Phase IV two contacts per month. During all phases the offender must submit to unannounced searches of home, car or person, must make weekly restitution payments when ordered, must spend 40 hours per week at work, school or in treatment and may be placed on electronic monitoring at the discretion of the probation officer. **Enacted.**

**MS Chap. 258/SB 526 Intensive Community Supervision Act.** Creates a new intensive community supervision program for certain felony offenders who would otherwise serve prison sentences; provides for severe and meaningful sanctions to be imposed on persons who violate the newly established program. **Enacted.**

**HB 95/SB 408 Crime Victims Reparation Act.** Expands the Act to include economic loss suffered by the victim in the form of loss of income of \$50 or less (current law covers income loss over \$50); covers reimbursement for recreational therapy associated with the amputation of a limb. **Enacted.**

**Chap. 279/HB 95/SB 408 Restitution.** Permits the court to extend an offender's probation period for up to one year if the court finds at a probation review hearing that the defendant has failed to pay court-ordered restitution. **Enacted.**

## **MISSISSIPPI**

**MCA § 99-37-1 Restitution.** Provides restitution procedures and enforcement; establishes Restitution Center; provides that restitution may be a part of a sentence, condition of probation, parole, work release or suspended sentence. **Enacted.**

## **MISSOURI**

**MRS § 559.021-2(1) Restitution.** Provides that restitution, as a condition of probation, be made to the victim or their dependent in the amount to be determined by the court. **Enacted.**



## MONTANA

**HB 272 Community Corrections Act.** Creates the Montana Community Corrections Act; authorizes local governments, tribal governments and private agencies to establish and operate community corrections facilities and programs; provides for the creation of community corrections boards; allows sentencing courts to sentence nonviolent felony offenders to community corrections facilities or programs; grants the Department of Institutions authority to adopt rules governing operation of community corrections facilities and programs; establishes penalties for offenders who escape from community corrections facilities; authorizes placement of offenders in a community corrections facility and program as a condition of deferred imposition or suspended execution of sentence. **Pending; Sponsor: Bardanouve.**

**MCA § 45-9-202 Drug and Alcohol Testing.** Provides for additional alternative sentencing; requires the offender to remain drug free and submit to drug and alcohol tests administered randomly not less than once each month by or under supervision of the probation officer. **Enacted.**

**HB 831 Treatment Programs.** Authorizes the Department of Institutions to adopt standards governing the approval of chemical dependency treatment programs and rules governing the use of county-wide treatment plans in determining county needs for treatment, rehabilitation, and prevention of chemical dependency. **Enacted.**

**HB 148 Home Arrest.** Provides for home arrest in lieu of imprisonment for certain criminal offenses; allows home arrest for both adult and juvenile offenders; prohibits home arrest for certain felony offenses. **Enacted.**

## NEBRASKA

**LB 729 Community Punishment Act.** Creates the Community Punishment Act; provides duties for probation officers; removes probation from state to local control. **Failed.**

**LB 220 Costs of Drug Testing.** Provides specific conditions of probation to insure that the offender will lead a law-abiding life including an order to pay for tests to determine the presence of drugs or alcohol, psychological evaluations and rehabilitative services required in the identification, evaluation and treatment of offenders if such offender has the financial ability to pay for such services. **Enacted.**

**LB 220 & § 29-2262.04 Costs of Electronic Surveillance.** Establishes an intensive supervision program with a provision that selected offenders monitored by electronic device or system shall be required to pay the cost of such a device or system if the offender has financial ability. **Enacted.**

**LB 220 & § 29-2262.02 Intensive Supervision Probation Program.** Provides for an intensive supervision probation program that may include highly restricted activities, daily contact between the offender and the probation officer, monitored curfew, home visitation, employment visitation and monitoring, drug and alcohol screening, treatment referrals and monitoring, restitution and community service. **Enacted.**

**NCP § 29-2280 Restitution.** Provides that a sentencing court may order the defendant to make restitution for actual physical injury or property damage or loss sustained by the victim as a direct result of the offenses for which the defendant has been convicted. **Enacted.**

## **NEVADA**

**NRS § 176.145 Regimental Discipline Programs.** Contained within the presentence report is any prior criminal record of the defendant; such information about his characteristics, his financial condition, the circumstances affecting his behavior and the circumstances of the offense as may be helpful in imposing sentence, in granting probation or in correctional treatment of the defendant; a recommendation, if the department deems appropriate, that the defendant undergo a program of regimental discipline, also known as boot camps. **Enacted.**

**NRS § 209.427 Treatment Programs.** Provides for offenders to be assessed in order to properly place offenders in programs. If the results of the evaluation conducted indicate that an offender is an abuser of alcohol or drugs and that he can be treated successfully for his condition, the director shall assign the offender to the program of treatment established by law. **Enacted.**

**AB 305/Chap. 297 Treatment Programs.** Provides for treatment of certain persons convicted of driving under the influence of alcohol or a controlled substance. **Enacted.**

**NRS § 209.4827 Community Centers.** Provides that the director may, with the approval of the board, establish centers to house offenders within a community so they may work to earn wages with which to make restitution to the victims of their crime. **Enacted.**

**SB 84/Chap. 589 Supervised Community Work.** Authorizes a court to require a convicted person to perform supervised work for the benefit of the community. **Enacted.**

**SB 100/Chap. 128 Conservation Camps.** Provides for the reassignment of minimum security inmates to be transferred to conservation camps. **Enacted.**

**NRS § 213.123 Drug Tests.** Provides that upon granting parole to a prisoner, the parole board may, when circumstances warrant, require as a condition of parole that the parolee submit to periodic tests to determine whether the parolee is using any controlled substance; provides that any such use or any failure or refusal to submit to a test is a ground for revocation of parole; provides that any expense incurred as a result of any test is a charge against the department. **Enacted.**

**NRS § 176.198 Electronic Monitoring.** Requires for the use of electronic monitoring at the initial phase of intensive supervision. The device must be approved by the department of parole and probation. The electronic device must be minimally intrusive and limited in capability to recording and transmitting information concerning the probationer's presence at his residence, including but not limited to, the transmission of still visual images which do not concern the probationer's activities while inside his residence. A device which is capable of recording or transmitting: oral or wire communications or any auditory sound; or information concerning the probationer's activities while inside his residence, must not be used. **Enacted.**

**NRS § 176.2155 et.seq. Home Arrest Program.** Authorizes residential confinement for certain offenders. **Enacted.**

**AB 68 Treatment Programs.** Provides credit to be given to inmates for the successful completion of a program of treatment for the abuse of alcohol and drugs. **Enacted.**

**AB 779/Chap. 617/NRS § 213.124, § 176.185 Intensive Supervision Programs.** Requires the Department of Parole and Probation to establish a program for intensive supervision of parolees and persons granted probation; provides for the program to include an initial period of electronic supervision. **Enacted.**

**AB 473/Chap. 166/NRS § 176.2155 Residential Confinement.** Authorizes the Chief Parole and Probation Officer to order any probationer who is arrested for violating conditions of his probation to be placed in residential confinement in lieu of detention in a county jail pending an inquiry to determine if a condition of probation has been violated; authorizes the use of electronic monitoring devices, including transmission of still visual images. **Enacted.**

**AB 474/Chap. 165 Residential Confinement.** Authorizes the Chief Parole and Probation Officer to order any parolee who is arrested for violating conditions of his parole to be placed in residential confinement in lieu of detention in a county jail pending an inquiry to determine if a condition of parole has been violated; authorizes the use of electronic monitoring devices, including transmission of still visual images. **Enacted.**

**NRS § 176.189 Restitution.** Provides that the court shall order as a condition of probation or suspension of sentence, in appropriate circumstances, that the defendant make full or partial restitution to the person or persons named in the order, at the times and in the amounts specified in the order unless the court finds that restitution is impracticable; provides that such an order may require payment for medical or psychological treatment of any person whom the defendant has injured. **Enacted.**

**NRS § 213.126 Restitution.** Provides the parole board to order restitution as a condition of parole. **Enacted.**

**NRS § 4.375 Restitution.** Provides that a justice of the peace may order that the person convicted of the offense make restitution to the owner of the property embezzled, at the times and in the amounts specified in the order. **Enacted.**

**AB 68 Educational Programs.** Provides credit to be given to prisoners for the successful completion of educational programs and achievement. **Enacted.**

## **NEW HAMPSHIRE**

**RSA § 651-A:23(VI-a) Public Service.** Provides that a person sentenced to a period of conditional discharge may be required as a condition of discharge to perform not more than 50 hours of uncompensated public service under the supervision of an elected or appointed official of the city or town in which the offense occurred, such service being of a sort that in the opinion of the court will foster respect for those interests violated by the defendant's conduct. **Enacted.**

**RSA § 651-A:23(V) Electronic Monitoring.** Provides that a court may, as a condition of probation, supplement home confinement with electronic monitoring to verify compliance. **Enacted.**

**SB 470 Electronic Monitoring.** Permits the release of certain prisoners to be released with electronic monitoring devices upon request of the commissioner of the department of corrections and by order of the sentencing court; provides for the sentencing court to require other terms and conditions of the release; and provides for the Department of Corrections to charge a prisoner a fee to offset the costs of electronic surveillance. **Pending; Sponsor: Humphrey.**

**RSA § 651-A:23(V) Home Confinement.** Provides as a condition of probation, the sentence may include confinement to a person's place of residence for not more than one year in case of a misdemeanor or more than 5 years in case of a felony; provides that home confinement may be monitored by a probation officer and supplemented, as determined by the Department of Corrections, by electronic monitoring to verify compliance. **Enacted.**

**RSA § 651-A:23(V) Intensive Supervision Program.** Provides that the court may, as a condition of probation, order a prison-bound offender placed in an intensive supervision program as an alternative to incarceration. **Enacted.**

**RSA § 651:62-67 Restitution.** Provides for restitution by moneys, compensation, work or service to be reimbursed by the offender to the victim who suffers personal injury, death or economic loss; provides that any offender that is placed on probation or parole may be sentenced to make restitution. **Enacted.**

## NEW JERSEY

**SB 3070 Detention.** Permits courts to determine a place of detention for offenders charged with probation or parole violations. Pending; Sponsor: Rand.

**§ 2C:35-14 Urine Testing.** Authorizes the court to order probation for drug-involved offenders and as a condition of probation shall include periodic urine testing for drug usage throughout the period of probation. Enacted.

**§ 2C:35-14 Rehabilitation Program.** Authorizes the court to order probation for drug-involved offenders and as a condition of probation, the court shall order a defendant to enter a drug rehabilitation program. Enacted.

**§ 3:21-10(e) Intensive Supervision Program.** Provides the development of individual plans for life in the community (work study, community service); use of contemporary technologies and programs for managing cases; requires full-time employment or vocational training and community service by each participant; a minimum of five contacts per week per participant; the use of a community sponsor and other support persons who will provide extensive assistance and direction to each ISP participant; a chief probation officer management team providing assistance on both state and local levels; a corps of experienced and well trained staff selected from the county probation departments; and the exclusion of violent offenders. Enacted.

**NJSA § 2A:8-31.1 Restitution.** Provides that any defendant sentenced by a municipal court to pay a fine or make restitution who defaults in payment thereof or of any installment may, in lieu of any other modification of the sentence, after satisfactory showing of the defendant's indigence, be ordered to perform work in a work program established or designated by the municipality; provides that the court shall order the defendant to perform work upon the motion of the person authorized by law to collect the fine or restitution; provides for the court to order the offender perform in an existing community service program. Enacted.

**NJSA § 2C:45-1(b)(8) Restitution.** Authorizes the court may order restitution as a condition of probation. Enacted.

**AB 4625 Shock Incarceration Program.** Requires the establishment of a shock incarceration program and facility by the Department of Corrections; provides for a shock incarceration program to consist of 180 days of a highly structured, disciplined and regimented daily routine; provides for physical training, military style drill, cleaning of residence areas, at least four hours of physical work which shall be whenever possible, community service related, daily support group meetings and counseling sessions, high school equivalency education, substance abuse counseling and organized physical recreation. Pending; Sponsor: Pelly/Ford.

## **NEW MEXICO**

**SB 361/Chap. 54 Laws of New Mexico (1991) Community Service Options.** Provides that any person sentenced to pay a fine, or to pay fees and costs in any criminal proceeding against him, either in addition to or without a term of imprisonment, may at the discretion of the court be allowed to pay such fines or fees in installment amounts; provides for the defendant to serve a period of time in labor to be known as "community service" in lieu of all or part of a fine. **Enacted.**

**SB 296/Chap. 52 Laws of New Mexico (1991) Intensive Supervision Program.** Provides highly structured and intense supervision, with stringent reporting requirements, of certain individuals who represent an excessively high assessment of risk of violation of probation or parole, emphasize meaningful rehabilitative activities and reasonable alternatives without seriously increasing the risk of recidivist crime and facilitate the payment of restitution by the offender to the victim. ISP may include house arrest programs or electronic surveillance programs or both. **Enacted.**

**SB 265/Chap. 35 Laws of New Mexico (1991) Restitution to Victims.** Provides for an increase in crime victim restitution. **Enacted.**

**NRS § 213.126 Restitution as a Condition of Parole.** Authorizes the parole board to impose as a condition of parole, in appropriate circumstances, a requirement that the parolee make restitution, unless complete restitution was made while the parolee was incarcerated, unless the board finds that restitution is impracticable. **Enacted.**

**HB 557/Chap. 51 Laws of New Mexico (1990) Special Incarceration Program.** Provides the Corrections Department with the authority to develop and implement a special incarceration alternative program for certain adult male and female felony offenders; provides substance abuse counseling and treatment; general education diploma preparatory courses; manual labor assignments; physical training and drills; training in decision-making and personal development and pre-release skills training; emphasizes rehabilitation of alcohol and substance abusers; requires the program to be a structured 90 day program. **Enacted.**

## **NEW YORK**

**1991 Article VII (Governor's Budget Bill) Comprehensive Community Corrections Program.** Provides for the removal of current barriers to the development and maximum appropriate use of effective alternatives to incarceration by establishing a comprehensive program of community corrections responsive to the needs of each locality. **Pending; Sponsor: Governor's Budget Bill.**

**NYPL § 410/14R-91 Drug Testing.** Provides the court to impose a sentence of probation for an alcohol or drug-related offense and authorizes the court to consider and impose as a condition of the sentence, when appropriate and feasible, that the defendant abstain from alcohol and/or drugs and submit to periodic alcohol and drug testing to determine abstinence; undergo available alcohol and drug treatment. **Enacted.**

**Art. 12-B, § 259-c(1)(2) Drug Testing.** Authorizes the parole board to order periodic drug testing as a condition of parole. **Enacted.**

## **NORTH CAROLINA**

**NCGS § 15A-1371 Community Service.** Provides for early parole for the purpose of participation in a program of community service under the supervision of a probation/parole officer; requires the parolee to perform as a condition of parole 32 hours of community service for every month of his remaining active sentence. **Enacted.**

**NCGS § 143B-262(d) Substance Abuse Program.** Establishes an intensive inpatient substance abuse program within the Department of Corrections for the treatment of alcohol and drug addiction. This Program shall include an intensive term of inpatient treatment, normally four to six weeks, in independent, residential facilities for approximately 100 offenders per facility. **Enacted.**

**NCGS § 20-179(g)(h) House Arrest for DWI Offenders.** Allows judges to place certain DWI offenders under house arrest as a condition of special probation. The term of house arrest shall be for twice the length of time remaining in the minimum term. **Enacted.**

**NCGS § 20-179(g)(h) Electronic Surveillance.** Provides for the use of electronic monitoring for certain offenders placed on house arrest. **Enacted.**

**NCGS § 143B-262(c) Intensive Probation Program.** Expands the number of offenders assigned to the intensive supervision program to every county in the State; provides for safe and affordable community-based sanctions for certain offenders; requires the offender to pay restitution to his victim and restrict his liberties. **Enacted.**

**NCGS § 148-57.1 & NCGS § 15A-1343(d) Restitution.** Provides that restitution is authorized in proposed plea agreements as a condition of probation or parole; establishes that restitution may be required in instances of stolen property; expands the definition of income in determining restitution. **Enacted.**

## **NORTH DAKOTA**

**NDCC § 12.1-32-08 Mandatory/Conditional Restitution and Reparation.** Requires a court, when sentencing in a criminal proceeding, to order a convicted defendant to make restitution or reparation to the victim when pecuniary damage has been inflicted or to state for the record why restitution was not ordered; provides that restitution or reparation is to be ordered prior to setting probation or parole. **Enacted.**

## **OHIO**

**SB 258 Boot Camps.** Establishes shock incarceration (boot camp) programs for eligible offenders who are sentenced to DRC. The program consists of a 90 day period of imprisonment at that institution consisting of a military style combination of discipline, physical training and hard labor and substance abuse education, employment and social skills training, and psychological treatment. Following the 90 day period, a transitional detention of 30 to 60 days is to be served in a halfway house or a community-based correctional facility. Immediately following this transitional detention, the offender is released on a special parole which usually consists of intensive supervision. **Enacted.**

**SB 258/§ 2301.52 Community-based Correctional Facilities (CBCF) and Programs.** Permits the written screening standards that community-based correctional facility intake officers must use, to allow the officers to recommend to courts the admission or referral of drug-dependent persons to a CBCF and program. **Enacted.**

**SB 258 Community Service.** Requires courts sentencing felons and misdemeanants to consider a sentence of partial confinement in a county jail or workhouse and suspend the balance of the sentence and place the offender on probation with one of the conditions of probation being that he perform supervised community service work. **Enacted.**

**SB 131 Electronically-monitored House Arrest.** Permits the court to impose a term of imprisonment plus a term of electrically-monitored house arrest upon a person convicted of a second or third OMVI offense within a five year period. **Enacted.**

**SB 131 House Arrest.** Permits the court to impose a term of imprisonment plus a term of electrically-monitored house arrest upon a person convicted of a second or third OMVI offense within a five year period. **Enacted.**

**SB 131 Educational and Drug Abuse Programs.** Requires the court to order education and training on alcohol-related convictions. **Enacted.**

**HB 590 Educational Programs.** Encourages judges to require first-time DUI offenders to speak to high school students. **Pending; Sponsor: Bergansky.**



**SB 48 GED Programs.** Requires ODRC to diminish sentences of first-time offenders who obtain Ohio certificates of high school equivalence during imprisonment. Pending; Sponsor: Snyder.

## **OKLAHOMA**

**22 OS § 991a Community Service Sentencing Program.** Provides an alternative to incarceration for nonviolent felony offenders who would normally be sentenced to incarceration in a state institution; provides offenders to complete any of the following requirements: community service, with or without compensation; education, vocational-technical education or literacy programs; substance abuse treatment programs; periodic testing for the presence of controlled substances; psychological counseling or psychiatric treatment; medical treatment; restitution to be paid to either the victim or the Victims Compensation Revolving Fund; confinement in the county jail not to exceed 6 months; and the rules and regulations of probation or conditional probations. Enacted.

**57 OS § 332.8 Restitution.** Provides that restitution must be considered as a condition of parole. Enacted.

**57 OS § 365 Alternative Incarceration Program.** Provides for a pre-parole conditional supervision program when the prison population has been certified to exceed 95% capacity. The Department of Corrections must notify the sheriff, district attorney and victim of the county of the inmates being released early to the pre-parole conditional supervision program. Enacted.

**22 OS § 996 Boot Camps.** Creates the Delayed Sentencing Program; provides for offenders confined to the Department of Corrections' custody pending sentencing to enter the RID program. This program is for young adults, 18-21 years of age, who has committed a felony offense and only for certain crimes. The court shall delay sentencing for 120 days while the offender enter the Delayed Sentencing Program for a thorough assessment, counseling and treatment during confinement. Enacted.

## **OREGON**

**ORS § 144.102 & 144.270 Drug Testing.** Allows for the imposition of special conditions of offenders on post-prison supervision, parole or probation including the requirement of drug testing. Enacted.

**ORS § 137.106 & 144.106 Restitution.** Permits the court to order compensatory fines to be paid to the victim as restitution for special and general damages such as pain and suffering. Enacted.

**SB 1110/ORS § 423.552, § 423.553 & § 423.554 Community Sanctions and Alternatives Fund.** Promotes the development of programs and facilities that provide alternative sanctions and structured programs in the community that protect society and prevent recidivism; provides programs for the following areas: outpatient alcohol and drug treatment for at-risk offenders; structured community sanctions; residential alcohol and drug treatment; re-entry programs for offenders leaving institutions; residential programs for women offenders; outpatient sex offender treatment; pre-adjudication programs for persons within the criminal justice system; parole transition services; transition services for the multi-diagnosed parolees and other alternatives to incarceration. **Enacted.**

**ORS § 144.106 Electronic Surveillance.** Provides for a continuum of sanctions as sentencing alternatives to supervised offenders including an electronic surveillance option. **Enacted.**

**ORS § 144.106 House Arrest.** Provides for a continuum of sanctions as sentencing alternatives to supervised offenders including a house arrest option. **Enacted.**

## **PENNSYLVANIA**

**Act 1990-215 Boot Camps.** Establishes Motivational Boot Camp Act and directs the Pennsylvania Department of Corrections to create a motivational boot camp program for eligible inmates. Those inmates would participate in the boot camp program for a six month period during which they would undergo rigorous physical activity, intensive regimentation and discipline, work on public projects, substance abuse treatment, ventilation therapy, continuing education, vocational training and pre-release counseling. **Enacted.**

**Act 1990-193 County Intermediate Punishment Act.** Establishes the County Intermediate Punishment Act and encourages county prison boards to implement plans for alternative sentencing for minimum risk offenders. Intermediate punishment options include: intensive probation supervision, victim restitution or mediation, alcohol or drug outpatient treatment, house arrest or electronic monitoring, psychiatric counseling and community service. **Enacted.**

**71 PS § 1690.106 Correctional Facilities.** Establishes detention facilities for probationers and parolees in need of drug and alcohol abuse services. **Enacted.**

**Act 1991-13 Sentencing and Intermediate Punishment Programs.** Clarifies the intent of Act 201 by permitting the use of intermediate punishment for certain drug offenders. Drug traffickers would not be eligible. Authorizes the court, except where a mandatory minimum sentence is otherwise provided by law, to impose a sentence and consider and select one or more of the following alternatives, and may impose them consecutively or concurrently: an order of probation, a determination of guilt without further penalty, partial confinement, total confinement, a fine, and intermediate punishment. **Enacted.**

**Act 201/61PS § 331.21 Drug Testing.** Provides for intermediate punishments, specifically section 14 states that one of the conditions the court may impose on an offender is participation in drug or alcohol screening and treatment programs, including outpatient and inpatient programs. Companion to Act 193 which authorizes the courts to impose the sentence of intermediate punishment. Establishes eligibility requirements and conditions and restrictions for participation in Intermediate Punishment Programs. **Enacted.**

**71 P.S. § 1690.106 Drug and Alcohol Services.** Establishes community-based drug and alcohol abuse treatment services for drug and alcohol abusers; provides that the conditional release of any drug or alcohol abuser may be conditioned on the person's agreement to periodic urinalysis or other reasonable means of detecting controlled substances or alcohol within the body. **Enacted.**

**Act 1988-79 House Arrest.** Requires the offender to remain within the premises of his residence during the hours designated by the court. **Enacted.**

**Act 1990-193/SB 718 Intensive Supervision.** Authorizes a minimum of 20 client and collateral contacts and six urine tests per month; and the extensive use of sanctions, including curfews, travel restrictions; and the selective use of electronic monitoring. Client contacts will be made randomly at all hours, seven days a week, including holidays. Random computer-initiated telephone calls are used to verify the client's presence in the home during prescribed time periods. **Enacted.**

**SB 1126 Residential Program.** Establishes a residential program for probation and parole; creates residential programs for the treatment of parolees with drug and alcohol problems. **Pending; Sponsors: Salvatore/Reibman.**

**SB 851 Restitution.** Provides for restitution for incarceration if the sentencing court ordered restitution to be paid. **Pending; Sponsor: Bell.**

## **RHODE ISLAND**

**RIS § 21-28-4.21 Drug Testing.** Provides that every person who shall be placed on probation for a violation of any section in this chapter prohibiting the unlawful sale, distribution, manufacture, delivery or possession with intent to manufacture, sell, distribute or deliver involving controlled substances and as a condition of this probation, the offender shall be required to at his or her own expense submit to drug testing in accordance with the standards and procedures of the Department of Health less than once per month. **Enacted.**

**HB 8472 Intensive Probation Program.** Creates the Intensive Probation Act that consists on an approved drug rehabilitation program to treat dependency of controlled substances. Participants would be required to maintain employment or full-time student status at an approved school and make satisfactory progress, or be involved in supervised job searches and community service work at least six days per week throughout the term of intensive probation; pay restitution and probation fees of not less than \$50 per month, probation fees shall be deposited in the probation services fund; establish a residence at a place approved by the probation officer, which shall not be changed without the approval of the probation officer; remain at his place of residence at all times except to go to work, to attend school, to perform community service and as the probation officer specifically permits; submit to drug and alcohol tests at the request of the probation officer; perform not less than 10 hours of community service; enroll in an approved drug rehabilitation program; and meet any other requirements imposed by the court. Drug tests shall be administered not less than once per month. **Failed.**

**RIS § 12-19-32/HB 6744 Restitution.** Provides that in addition to or in lieu of any non-mandatory sanction imposed as part of a sentence or as a condition of probation, a judge at the time of sentencing may order restitution which may be in the form of monetary payment or some type of community service. **Enacted.**

## **SOUTH CAROLINA**

**Act of 1986, Article 2 Omnibus Criminal Justice Improvements Act of 1986.** Creates a community penalties program in each judicial circuit of the State; provides for a shock incarceration program for defendants convicted of certain offenses; authorizes the establishment of the restitution center program where certain offenders may be placed as a condition of probation; establishes work/punishment of inmates confined to local correctional facilities; authorizes the board to develop policies for public service work programs. **Enacted.**

**SB 883 Offender Management Bill.** Provides for the release of inmates back into the community under rather strict supervision; provides for the release of only nonviolent offenders who will be evaluated for job skills, substance abuse and education; requires the offender to participate in any community control strategies including home detention, day reporting centers, public service employment, substance abuse programs, short-term incarceration, intensive supervision and any other program the offender might require. **Pending; Sponsor: DPPPS & DOC.**

**§ 24-23-115 Public Service Work.** Provides the court to require defendants convicted of a criminal offense to perform public service work not to exceed five hundred hours without pay for an agency of state, county, municipal or federal government or for a nonprofit organization as a special condition of probation or as a condition of suspension of sentence. **Enacted.**

**SCS § 24-21-430 Drug Testing.** Provides for the court to impose certain conditions of probation, including the probationer shall submit to a urinalysis or a blood test or both upon the request of the probation officer. **Enacted.**

**SCS § 24-21-430 House Arrest.** Provides for the court to impose certain conditions of probation, including the probationer shall submit to house arrest which is confinement in a residence for a period of twenty-four hours a day, with only those exceptions as the court may expressly grant in its discretion. **Enacted.**

**SCS § 24-13-1560 Electronic Home Detention.** Provides for the participant to use an approved electronic monitoring device as instructed by the department at all times to verify his compliance with the conditions of his detention and shall maintain a monitoring device in his home or on his person. **Enacted.**

**SCS § 24-21-480 Restitution Centers.** Provides for a judge to suspend a sentence for a defendant convicted of a nonviolent offense for which imprisonment of more than ninety days may be imposed, or as a revocation of probation, and may place the offender in a restitution center as a condition of probation; requires the offender to have paid employment and/or shall be required to perform public service employment up to a total of fifty hours per week. **Enacted.**

**SCS § 16-3-1270 Restitution.** Requires that five percent of the salaries of work release inmates will be automatically taken for a deposit to support victim assistance programs as a condition of probation. **Enacted.**

**Article 13 § 24-13-1310 to § 24-13-1340 Shock Incarceration Programs.** Provides a program for eligible inmates to participate in a program and serve ninety days in an incarceration facility which provides rigorous physical activity, intensive regimentation, discipline and rehabilitation therapy and programming. **Enacted.**

## **SOUTH DAKOTA**

**SB 75 Community Corrections Facilities and Programs.** Authorizes the creation of community corrections facilities and programs, and requires the facility to provides educational facilities in close proximity to the chosen site; employment opportunities and resources for client education and counseling; technical school accessibility; available counseling and substance abuse facilities including a local mental health center and an accredited substance abuse treatment program. **Enacted.**

**SDCL § 23A-28-3 Victim Restitution.** Provides for the sentencing court to order the defendant to the county jail, state penitentiary, suspend the imposition of sentence, suspended sentence or probation and authorizes the court to require, as a condition that the defendant prepare a restitution plan. **Enacted.**

## TENNESSEE

**TCA § 40-36-302 Community-based Options and Services.** Provides for noncustodial community corrections options which involved close supervision but which do not involve housing the offender in jail, workhouse or community facility; provides for community service supervision, victim restitution supervision, victim-offender mediation, alcohol/drug outpatient treatment, house arrest and psychiatric counseling; short-term community residential treatment options involve close supervision in a residential setting; provides certain services for offenders which include job training, drug and alcohol screening, counseling and GED training. **Enacted.**

**TCA § 40-20-116 Restitution.** Provides that in felony cases only, a first offender cannot receive a suspended sentence or probation unless restitution is paid; provides that in cases of felonious taking or receiving of property, the value of the property shall be ascertained and restitution shall be ordered. **Enacted.**

**TCA § 40-20-201, 207 Boot Camps.** Establishes a 90 day program for felony offenders sentenced to six years or less to prison. The offender shall, at a minimum, be required to participate for a period of ninety (90) days in an intensive regimen of work, exercise, military-type discipline and available treatment programs in accordance with policies and procedures established by the department. **Enacted.**

**TCA § 41-9-101, 204 Community Service.** Establishes community work projects for probationers. When a judge so places a defendant on probation and orders him to perform community service work, he shall direct the defendant to report to the county community work project coordinator in the county which the defendant resides, or where the offense occurred. The coordinator shall interview the defendant for the purpose of determining his job skills and the work project for which he is best suited. **Enacted.**

**TCA § 40-36-302 Drug Testing.** Provides for drug and alcohol screening as a community corrections option. **Enacted.**

## TEXAS

**Article 42.12, § 19 Community Corrections Facilities.** Requires a judge to consider an alternative to incarceration by probating the sentence with a condition that the defendant serve a term of not less than one month or more than 24 months in a community correctional facility. **Enacted.**

**Article 42.12, § 17**            **Community Service Options.** Provides that if the court places a defendant on probation, the court may require, as a condition of the probation, that the defendant work a specified number of hours at a specified community service project for an organization named in the court's order, and may also require the defendant to submit to testing for controlled substances; provides that the amount of community service work not exceed 1,000 hours and may not be less than 320 hours for an offense classified as a first degree felony. **Enacted.**

**HB 2335**            **Criminal Justice Omnibus Reform Act.** Creates the Texas Board of Criminal Justice consisting of nine members who develop and implement policies that clearly define the respective responsibilities of the board and the staff of the department; creates the community justice assistance division, the institutional division and the Board of Pardons and Paroles division; provides duties and responsibilities for each division. **Enacted.**

**SB 29**            **Drug Testing.** Requires that persons placed on probation and persons released on parole or mandatory supervision submit to testing for controlled substances. **Enacted.**

**Article 42.12, § 21**            **Electronic Monitoring.** Provides that a judge may suspend imposition of a sentence of imprisonment or confinement and require as a condition of probation that the defendant submit to electronic monitoring. **Enacted.**

**HB 154**            **Community Service.** Requires that certain probationers perform community service and are immune from civil liability. **Enacted.**

**HB 93**            **Home Confinement.** Creates the Punishment Standards Commission and provides for home confinement as an alternative to incarceration. **Enacted.**

**SB 828**            **Treatment Alternative to Incarceration Program.** Provides drug and alcohol abuse treatment for chemically dependent offenders in the criminal justice system and to reduce the rate of recidivism incident to alcohol and drug abuse; this is the beginning of a comprehensive statewide treatment program. **Enacted.**

**Article 42.12, § 20**            **Intensive Probation Program.** Incorporated into the second level of a 4-tier approach to classifying supervision of probationers in a continuum of sanctions. Level 2 is the most restrictive level for nonresidential supervision. The maximum caseload is 40 probationers per probation officer. **Enacted.**

**Article 42.12, § 15**            **Restitution.** Provides that the parole board make a reasonable effort to notify a victim of the prisoner's crime that he or she is being considered for parole, request a victim impact statement including restitution; provides for the parole board to order persons released on parole to make restitution to the victim. **Enacted.**

**HB 2335**            **Shock Incarceration Programs (Boot Camps).** Provides regimented drill and physical exercise; community service; treatment and educational programs; reintegration of the offender back into the community and structured work release; restitution center; day reporting center; specialized caseloads. **Enacted.**

## UTAH

**UCA § 64-13-21 Community Control Program.** Relates to the supervision of sentenced offenders placed in the community; provides standards of supervision of offenders to be established by the department, giving priority to felony offenders. **Enacted, 1987.**

**UCA § 77-18-1(6) Restitution.** Mandates that restitution as a condition of probation shall be continued until restitution ordered is satisfied. **Enacted, 1991.**

**UCA § 76-3-201 Restitution.** Requires that restitution be a condition of probation and parole; requires that there be a finding by the judge in a written order of the defendant's inability to pay; requires the defendant to make restitution double the amount of pecuniary damages; defines restitution and requires that non-payment to be treated as contempt of court. **Enacted, 1990.**

**HB 57-1992 General Session - Intensive Early Release Parole Program.** Relates to criminal procedure; provides for intensive early release parole program as a condition of parole. This bill authorizes the department to adopt and implement internal management policies for operation of the program; determine whether or not to refer an offender into this program within 120 days from the date the offender is committed to prison by the sentencing court; and make the final recommendation to the board regarding the placement of an offender into the program. **Pending; Sponsor: Ellertson.**

## VERMONT

**VSA 28 § 352 Community Sentence and Control Programs.** Authorizes the imposition of a supervised community sentence in lieu of imprisonment within the walls of a correctional facility, for offenders who do not pose a substantial risk of harm to the public. **Enacted.**

**VSA 13 § 7043 Restitution.** Requires restitution to be ordered as a condition of probation. **Enacted.**

## VIRGINIA

**VCA § 53.1-67.1 Boot Camps.** Establishes a Boot Camp Incarceration Program. The boot camp program consists of intensive supervision for rehabilitation, training and confinement of individuals. The program shall include components for drill and ceremony, physical labor, counseling, remedial education including drug education and vocational assessment. **Enacted.**



**HJR 162 Boot Camps.** Establishes a study to research the use of local boot camps.  
**Pending; Sponsor: Hall.**

**VCA § 53.1-131.2 Electronic Monitoring.** Authorizes home electronic incarceration programs. The court must deem an offender to be a suitable candidate for home/electronic incarceration and the court may further authorize the offender's participation in work release employment or educational or other rehabilitative programs. **Enacted.**

**VCA § 16.1-253.1 & 16.1-279.1 Restitution.** Makes restitution mandatory as a condition of probation. **Enacted.**

**VCA § 53.1-180 Community Diversion Incentive Act.** This article enables localities of the Commonwealth to establish and maintain community diversion programs to provide the judicial system with sentencing alternatives for certain nonviolent offenders who may require less than institutional custody. **Enacted.**

## **WASHINGTON**

**SB 5623 Rehabilitation Programs.** Authorizes intensive rehabilitation programs for offenders. **Pending; Sponsor: Thorsness.**

**RCW § 9.94A.120(15) Restitution.** Provides that restitution shall be ordered for all convictions of felonies resulting in injury to any person or damage/loss of property; requires the court to give reasons if restitution is not ordered; requires first-time offenders to make restitution to the victim for the cost of counseling; authorizes the court to retain jurisdiction over the offender for ten years for the purpose of restitution. **Enacted.**

## **WEST VIRGINIA**

**SB 113 Treatment Programs.** Provides the commission to direct any offender or group of offenders in the custody or control or under the supervision of any state or local agency or institution to be provided with specific treatment or shall be treated in any way in which said agency or institution is authorized to deal with such offender or offenders.  
**Failed.**

**SB 15/Chap. 62, Art. 11B Home Detention.** Requires that participants in the home detention program be confined to the offender's home at all times except when the offender is working at employment approved by the court or traveling to and from approved employment, unemployed and seeking employment approved for the offender by the court, undergoing medical, psychiatric, mental health treatment, counseling or other treatment programs approved for the offender by the court, attending an educational institution, attending a regularly scheduled religious service at a place of worship, participating in a community work release or community service program, and engaging in other activities specifically approved for the offender by the court. **Enacted.**

## **WISCONSIN**

**WS § 973.09 Community Service.** Provides for community service as a condition of probation of parole. The court may require as a condition of probation that the probationer perform community service work for a public agency or a nonprofit charitable organization. The number of hours of work required may not exceed what would be reasonable considering the seriousness of the offense and any other offense which is read into the record at the time of conviction. An order may only apply if agreed to by the probationer and the organization or agency. The court shall ensure that the probationer is provided a written statement of the terms of the community service order and that the community service order is monitored. The probationer may reduce his sentence at a rate of one day for each 3 days of work performed. A day of work equals 8 hours of work performed. **Enacted.**

**WAC DOC § 328.04-3(3)(k) Drug Testing.** Requires the probationer or parolee to make himself available for searches or tests ordered by the agent including but not limited to urinalysis, breathalyzer and blood samples or search of residence or any property under his or her control. **Enacted.**

**WS § 302.05 Wisconsin Substance Abuse Program.** Provides that the Department of Corrections and the Department of Health and Social Services designate a section of a mental health institute as a correctional treatment facility for the treatment of substance abuse inmates transferred from Wisconsin state prisons. **Enacted.**

**WS § 302.425 Home Detention Programs.** Authorizes a sheriff to place an offender in the home detention program and provide that the prisoner being detained at the prisoner's place of residence be monitored by an active electronic monitoring system. Terms of the program may include a requirement that the prisoner pay the county a daily fee to cover the county costs associated with monitoring him or her. **Enacted.**

**WS § 301.048 & § 973.032 Intensive Sanction Program.** Creates an intensive sanctions program as an intermediate corrections level between prison incarceration and parole or probation; directs the Department to provide the following sanctions: a residential treatment facility or a community-based residential facility; intensive or other field supervision; electronic monitoring; alcohol or other drug abuse outpatient treatment and services; mental health treatment and services; community service; restitution and other programs as prescribed by the Department. **Enacted.**

**WS § 301.046 Community Residential Confinement.** Establish and operate a community residential confinement program that will confine prisoners in their places of residence or other places designated by the department. **Enacted.**

**WS § 973.20 Restitution.** Requires that when imposing a sentence of probation for any crime, the court shall order the defendant to make full or partial restitution to any victim of crime or, if the victim is deceased, to his or her estate, unless the court finds substantial reason not to do so and states the reason for the record. **Enacted.**

**WS § 302.045 Challenge Incarceration Program.** Provides youthful offenders with strenuous physical exercise, manual labor, personal development counseling, substance abuse treatment and education, military drill and ceremony and counseling in preparation for release on parole. Enacted.

**WS § 973.03(4) Electronic Monitoring.** Provides for electronic monitoring as a condition with court-ordered home detention. In lieu of a sentence of imprisonment to the county jail, a court may impose a sentence of detention at the defendant's place of residence or other place designated by the court. The length of detention may not exceed the maximum possible period of imprisonment. The detention shall be monitored by the use of an electronic device worn continuously on the defendant's person and capable of providing positive identification of the wearer at the detention location at any time. Enacted.

**WS § 46.65 Treatment Alternatives Program.** Authorizes grants for alcohol and other drug abuse services as a treatment alternative in lieu of imprisonment for eligible persons in need of these services. Enacted.

## **WYOMING**

**Chapter 18/HB 324 Community Corrections.** Relates to community correctional facilities and programs; modifying the definition of offender for purposes of authorizing placement or acceptance of specified misdemeanor in facilities and programs; specifying non-state funding of misdemeanor placements; provides programs and services to aid offenders and inmates in obtaining and holding regular employment, in enrolling in and maintaining academic courses, in participating in vocational training programs, in utilizing the resources of the community in meeting their personal and family needs and in participating in whatever specialized treatment programs exist in their community in conjunction with supervision of the offenders. Enacted.

**92 HB 16 Alternative Corrections Programs.** Authorizes the Board of Charities to establish alternative corrections programs as a condition of probation or parole; establishes a day reporting center program and a house arrest program. Pending; Sponsor: Chamberlain.

**SB 23/Act 68 Restitution Plans.** Provides the court to direct a person other than a probation and parole agent to assist in the preparation of restitution plans. Enacted.

**HB 95/Act 49 Victim Restitution.** Provides that if the court requires restitution of the defendant, then at the time of sentencing or at the time the defendant is placed on probation it shall fix a reasonable amount of restitution owed to each victim for actual pecuniary damage resulting from the defendant's criminal activity. Enacted.

**WS § 7-13-307 to 7-13-315**      **Restitution.** Allows a judge to order restitution in criminal cases; provides for restitution as a condition to probation or parole. **Enacted.**

**WY Ch. 155, 91 SB 23**      **Restitution.** Provides that a defendant be required to pay restitution only if he has a current or future ability to pay. **Enacted.**

**A State-by-State Sampling of State Legislation On  
The Use Of Sanctions By Probation And Parole**

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**APPENDIX**

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