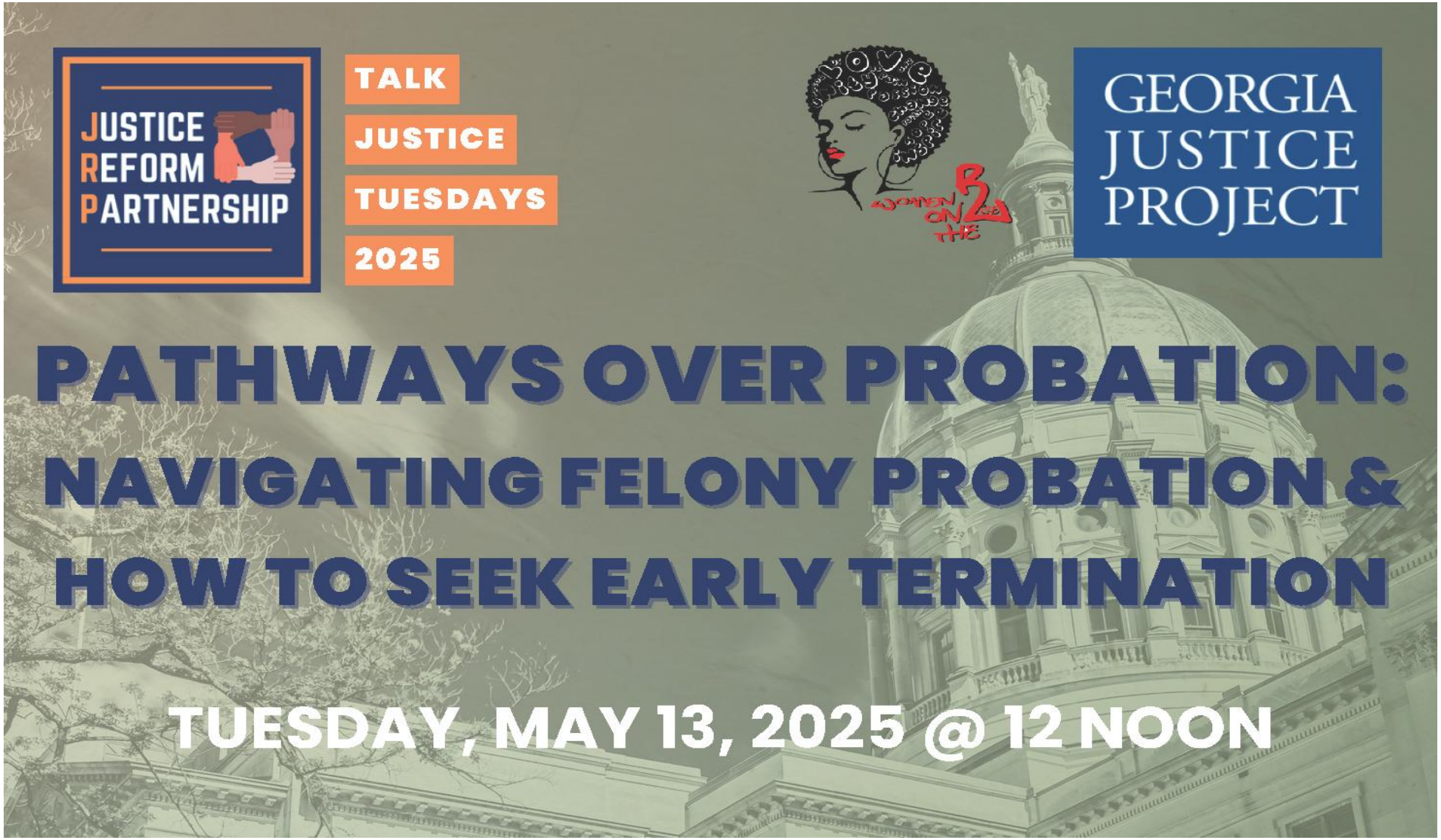
Thank You for Joining…We Will Begin Shortly

GEORGIA JUSTICE PROJECT



Today's Roadmap

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- ❑ **Introductions**
  - ❖ Who is Georgia Justice Project
  - ❖ Women on the Rise Testimonial: Robyn Hasan-Simpson
- ❑ **Early Termination of Felony Probation**
- ❑ **Best Practices on Felony Probation**

GJP: Goals & Theory Of Change

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Reduce the number of Georgians under correctional control

Reduce reentry barriers for the formerly incarcerated and justice involved

1 INDIVIDUAL

Legal representation and social services

2 POLICY & SYSTEMIC

Working toward system change

3 COMMUNITY OUTREACH

Building community awareness and creating partnerships

Pathways Over Probation Campaign

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PATHWAYS OVER PROBATION

Women on the Rise

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Robyn Hasan-Simpson: Executive Director

Early Termination of Felony Probation

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Streamlining the Early Termination Process in Georgia

What Does the Early Termination of Probation Law Do?

- Allows individuals serving on felony probation, who were sentenced in Georgia, to be eligible for early termination of their probation

- The early termination law establishes one:
  - Criteria
  - Process
  - Court Standard

Eligibility

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Who Can Become Eligible for Early Termination Under The Early Termination Law?

EVERYONE

After serving 3 years probation, every individual on felony probation can become eligible for early termination of their sentence so long as they meet the 3 criteria

When Do the 3 Years Start

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You Must Serve 3 Years of Your **Probation**

- Probation begins after you complete the time you were *sentenced* to serve in prison
- If released early, time on parole must be completed before probation begins
- Be sure to check for credit for time served

Example

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John was given a 10-year sentence on January 1st, 2020,. The sentence was 2 years to serve in custody followed by 8 years on probation

John was released from prison early on January 1st, 2021, and was on parole for one year

John's probation will not begin until he has served the 2 years of his custodial sentence regardless of whether it is in jail/prison or on parole

John's probation begins January 1st 2022

His early termination eligibility date is January 1st 2025

Criteria for Eligibility

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1

No new arrests

2

No probation revocations in the past 24 months

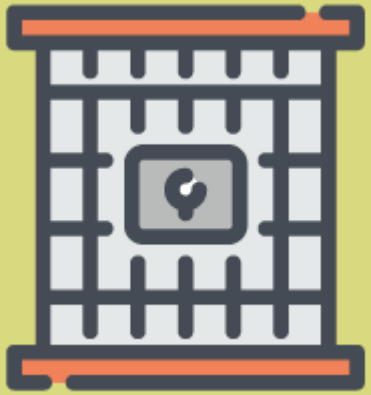
3

Paid all restitution

No New Arrests

- No new arrests since you were sentenced
- Minor traffic offenses will NOT disqualify you
- An arrest that ultimately did not result in a conviction may still disqualify you so talk to your probation officer in advance about this

No Revocations in the Past 24 Months



Revocations: Sentence revoked in whole or in part for violating a conditions of your probation.

- Revoked to jail or prison.

Does not include:

- Modification of probation conditions
- Sanctions
- Status hearings

What Can Trigger a Violation

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General Conditions

- Requirements such as "avoid injurious and vicious habits", not changing your address without informing your probation officer, maintaining employment, paying fines and fees, "not associating with people of disreputable character"

Special Conditions

- May include no contact provisions with the victims from your case, abiding by a curfew, or getting treatment for substance abuse or mental health
- Not always ongoing (ex. completing a course on family violence)

Penalties for Violations

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General Conditions and New Misdemeanors

- Penalty is a revocation up to 2 years

Special Conditions and New Felony Offenses

- Penalty is a revocation up to the remainder of time left on your sentence

Violations on First Offender Sentences

- Penalty is possibly losing First Offender status and being resentenced up to the maximum time permitted for each offense you were sentenced for

Paid all Restitution

- **Restitution**: Court ordered payment to a victim
- **Does NOT include fines or fees**
- Your disposition should tell you if you were ordered to pay restitution
- You can also ask your probation officer if you must pay restitution

Fines and Fees

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What are fines and fees?

- Fines, fees, and statutory surcharges are unique from restitution
- They may include court costs, fees associated with the charges, and public defender fees
- More examples include Georgia Crime Victims Compensation Program and Probation Supervision Fees

on or after July 1, 2004 for violation of §40-6-391 relating to driving under the influence of alcohol or drugs, the court imposes an additional penalty of $26.00 or 11 percent of the original fine, whichever is less, for the Crime Victim Emergency Fund (§15-21-112) plus an additional 10% of the fine for the Brain & Spinal Injury Trust Fund (§15-21-149) plus an additional $25 pursuant to §40-6-391(j)(2) if applicable;

(e) If the offense is for violation of §§16-13-30, 16-13-30.1 or 16-13-31 relating to activities regarding marijuana, controlled substances or non-controlled substances, the court imposes the additional penalty of 50% of the original fine (§15-21-100); and

(f) $1.75 as costs (§47-14-50) plus the amounts required in §47-16-60 and §47-17-60 plus $5.00 as costs (§36-15-9) together with all other authorized court costs.

(g) 10% of the fine to the Georgia Indigent Defense for offenses occurring after June 15, 2004 (§15-21-73(a)(1)(B)).

(h) If the offense is for violation of any provision of Title 40 relating to the traffic laws of this state, an additional five percent of the original fine on that count under O.C.G.A. §15-21-179.

11) The court further orders that the defendant shall pay the following sums:

(a) Court Costs of $100.00;

(b) Appointed attorney fees of $____ to the Georgia Public Defender Standards Council;

(c) Appointed attorneys' fees of $300.00 to the [redacted] County Board of Commissioners under O.C.G.A. §17-12-51;

(d) Restitution of $____ less any amount paid by co-defendant(s).

12) It is ordered that the defendant must submit to evaluations and testing relating to rehabilitation and participate in and successfully complete rehabilitative programming as directed by the department.

Practice Tip

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What should I do if I can't afford to pay fines, fees, etc.?

- Request a Hardship Exemption Application from your PO to waive payments
- Payments may be converted into community service hours
- Restitution cannot be converted into community service hours

Practice Tip

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Can my probation be revoked for not paying fines, fees, etc.?

- Your probation can be revoked for failure to make payments only if failure to pay was willful (meaning you could have paid it and chose not to)

- If you were told you need to make payments the next time you report, you must still report even if you are unable to pay. Failure to report will result in a revocation.

Early Termination Process

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- If you have served 3 years of your felony probation sentence and meet all 3 criteria, generally, your probation officer will submit a petition to terminate the remainder of the probation sentence to the sentencing court

- In some circumstances, based on the sentence you received, your probation officer must submit a progress report and may submit a petition to terminate

Early Termination Process

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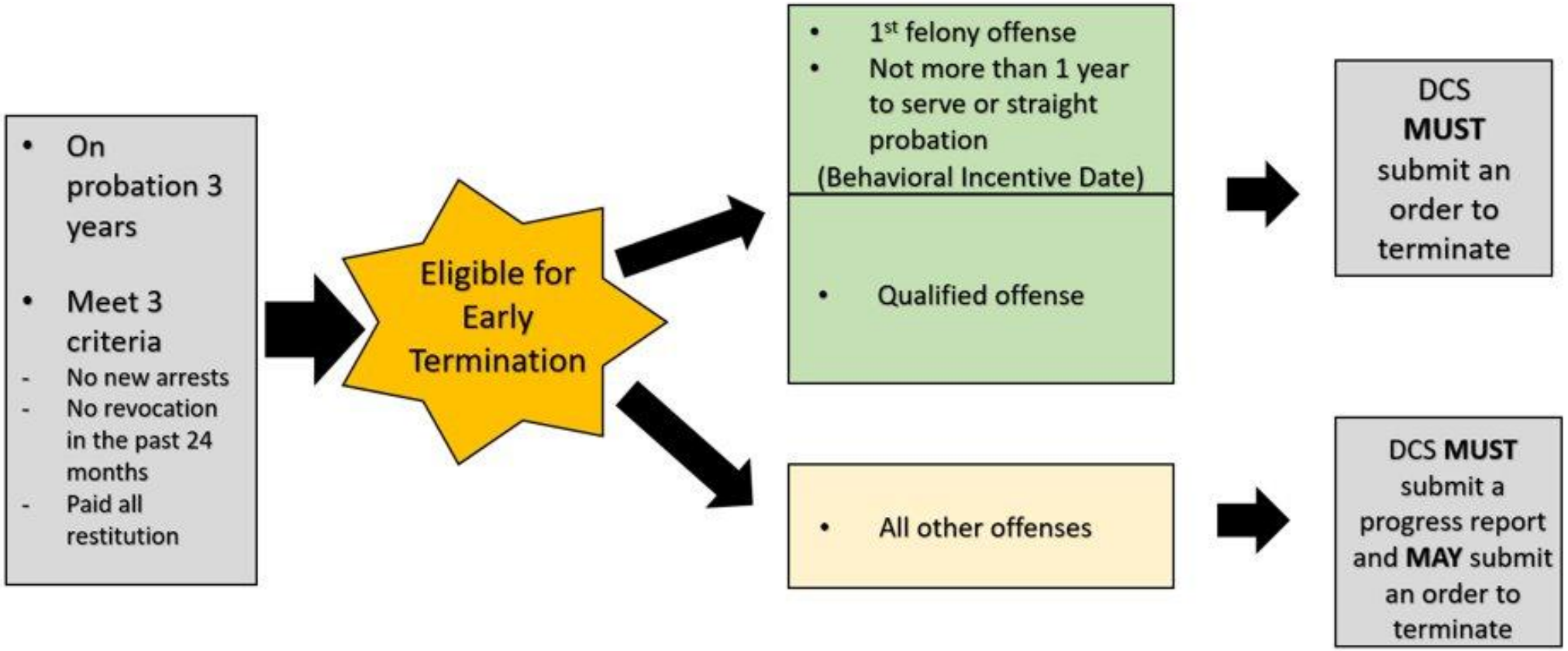

Early Termination Process

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- If a petition is submitted by probation, within 30 days of receiving the petition, the Court must either
  - (1) Set a hearing to be held within 90 days from the date the Court received the petition; or
  - (2) Grant the petition
- The Court will grant the petition if it determines "it is in the best interest of justice and welfare of society" to terminate probation
- If your probation officer submitted a petition, make sure your current address is updated with the clerk of the court you were sentenced in

Early Termination in General

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- Even if you do not meet the criteria, you can file a motion for early termination of your felony probation sentence at any point by hiring an attorney or representing yourself
- A hearing must be set within 90 days of submitting your motion
- Court will grant your motion if it determines that "probation is no longer necessary or appropriate for the ends of justice, the protection of society, and the rehabilitation of the defendant."

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Best Practices While on Probation

Best Practices

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What if I Can't Get In Contact with my Probation Officer?

- Contact the office in the county where you are serving your probation (See DCS Field Office Locater)
- Go in-person to the office in the county where you are serving probation
- Contact the DCS Call Center at 678-783-4337

Best Practices

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How do I get on Non-Report?

- Everyone starts out on Active Supervision (“Report”)
- Most people on probation will go on Non-Report after 2 years (sometimes earlier)
- Non-Report means less reporting requirements but **does not change the conditions of your probation**
- You must still keep your address and phone number up to date

Best Practices

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Communicating With Your Probation Officer

- Keep copies of proof of completion of classes, community service, etc.

- Keep a record of when you communicate with your probation officer
  - Screenshot times showing when you place phone calls
  - Save email communications and texts
  - Write down dates you attempted to contact your probation officer in person

- Document requests to your probation officer
- Travel permits, transfers, hardship exemption applications, etc.
- Communicate your requests in advance- don’t wait till the last minute

Best Practices

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Being Diligent With Your Conditions

- Talk to your PO about any conditions you do not understand
  - "Avoiding injurious and vicious habits"
  - "Avoiding persons or places of disreputable or harmful"
  - If you are unsure if a living, work, etc. situation would be a violation, ask your PO first

**Completing conditions and community service may be helpful in getting put on Non-Report sooner*

What Can I Do if I Think I Qualify for Early Termination?

- **Call your probation officer**
  - If you do not know the probation officer assigned to your case, you can call the probation office in the county you reside in or contact the DCS Call Center at 678-783-4337

- **Tell your probation officer you believe you meet the criteria for early termination and ask:**

  - If they have or will be submitting a progress report on your behalf
  - If they have or will be recommending your probation be terminated

- **If you think you are receiving incorrect information or are unable to contact a probation officer, email early.termination@dcs.ga.gov**

Who can Vote in Georgia?

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- Your right to vote is automatically restored as soon as your sentence is complete (including any time on non-report probation).
- Just need to re-register once your probation is completely done.
- Felony First Offender Act & Conditional Discharge sentences are NOT convictions, so you can vote while serving those sentences.
- Unpaid monetary obligations do not keep you from voting, as long as your sentence is complete.

Pathways Over Probation Campaign

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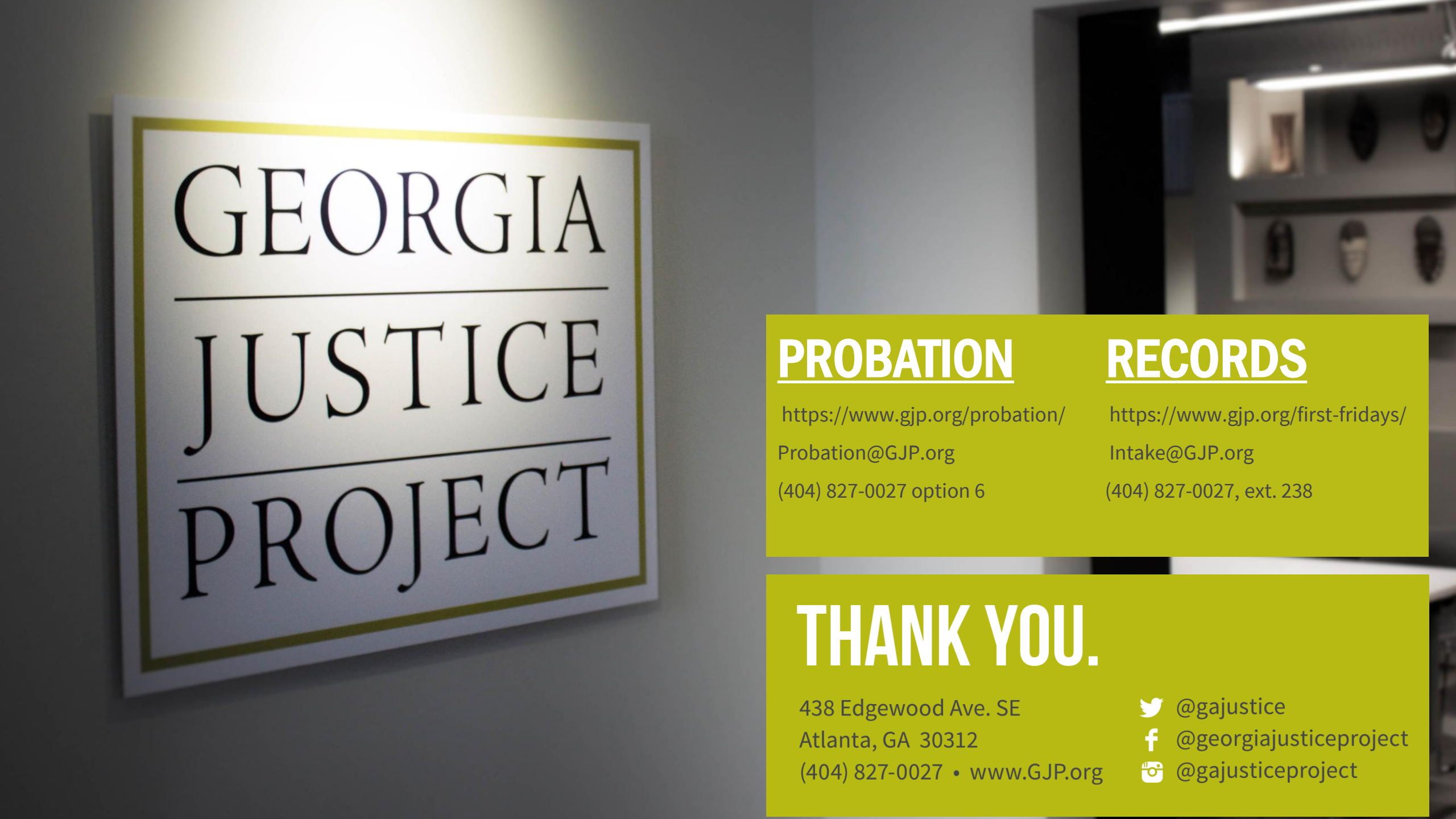
POSTERS

HELP US SPREAD THE WORD!

CARDS– voting info on back

- **Follow GJP on social media**
- **Share campaign materials**
- **Stay tuned for upcoming events**



PROBATION

https://www.gjp.org/probation/

Probation@GJP.org

(404) 827-0027 option 6

RECORDS

https://www.gjp.org/first-fridays/

Intake@GJP.org

(404) 827-0027, ext. 238

THANK YOU.

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