

Trends in State-Level SCF Legislation, 2000(?)-2025

In the last 25 years, many states have adopted elements of the Swift, Certain, and Fair (SCF) model of probation and parole into their community supervision systems. The model saw a particular surge in uptake after the success of Hawaii's Opportunity Probation with Enforcement (HOPE) in the late 2000s, but multiple other nationwide trends have also shaped the landscape of SCF probation at the state level. ADD MORE?

1. Post-HOPE SCF Bills:

In the years following the success of HOPE and publication of a 2009 study demonstrating the effectiveness of the probation model, many states quickly adopted legislation to implement (mostly on a trial basis) similar supervision programs within their own corrections departments. For example, Arkansas' [SB 750 \(2011\)](#) established an SCF probation pilot program in five counties statewide; the program was modeled on a HOPE replication pilot program that took place in Saline County. Similar bills were passed from 2010-12 in [Kentucky](#), [Louisiana](#), [Maryland](#), [Michigan](#), [South Dakota](#), [Virginia](#), [Washington](#), and [Wisconsin](#). Of these bills, the SCF probation programs in Maryland and Virginia have expired.

2. Justice Reinvestment

Justice reinvestment broadly attempts to reduce the size and cost of correctional populations through evidence-based reforms. Many state-level justice reinvestment acts have included SCF principles as a part of a larger package of reforms. Maryland's [SB 1005 \(2015\)](#) implemented a graduated sanctions/rewards matrix for probationers that commit technical violations; it also limited the amount of time that probationers may be incarcerated for technical violations. [Alabama](#), [Louisiana](#), [Kansas](#), and [North Carolina](#), among other states, also implemented similar reforms in their own justice reinvestment acts. This model of reform is strongly supported by the Council of State Governments; for an exhaustive list of all states that have implemented justice reinvestment, see [this page](#) (note: not all bills listed necessarily contain SCF probation).

3. Graduated Sanctions for Juvenile Offenders

A few states actually passed bills implementing graduated sanctions and other SCF principles for juvenile offenders before any larger, general-population SCF probation. For example, Oklahoma's HB 3116, passed in 1997, defines graduated sanctions and outlines a procedure for using them with juvenile offenders under supervision. This was followed by HB 1267, in 2005, that required the state DOC to develop a matrix of graduated sanctions to be used for technical violations by all probationers. [Georgia](#) and [South Carolina](#) also implemented graduated sanctions for juveniles before adults (South Carolina [has SCF probation](#) but has not codified it into law as of 2025). States that adopted a system of graduated sanctions for juveniles after applying those principles to their adult probationers include [Florida](#), [Kentucky](#), [South Dakota](#), [Utah](#), [Vermont](#), and [West Virginia](#).

4. 24/7 Sobriety

State-level 24/7 sobriety programs apply SCF principles to specifically prevent recidivism among DUI and DWI offenders; probationers submit to a continuous monitoring program that requires scheduled and/or random testing for controlled substances. This model was first implemented in South Dakota as a pilot program in 2005 before being expanded statewide by a [2007 bill](#). After the success of South Dakota's bill, several other states followed suit and enacted their own versions of 24/7 sobriety legislation; these include [Alaska](#), [Idaho](#), [Iowa](#), [Montana](#), [North Dakota](#), [Washington](#), [Wisconsin](#), and [Wyoming](#).

5. Earned Compliance Credits for Probation/Parole

An under-discussed aspect of SCF supervision is the chance for offenders in community supervision to earn reductions in their probation or parole time for good behavior. This system of earned compliance credits generally allows offenders to reduce their sentence by up to 50% if they refrain from committing technical violations, attend meetings/hearings, and generally obey the terms of their supervised release. As an example, Delaware's earned compliance [law](#), passed in 2011, allows for 30 days of credit for each 30 day period of supervision completed without violations. Other states, like [Florida](#), apply credits based on completion of specific milestones like maintaining employment or earning a degree rather than time served. Other states with earned compliance credit legislation include [Illinois](#) (for earning a degree - nonviolent offenders only), [Louisiana](#) (30 days reduction per month, nonviolent only), [Maryland](#) (20 days/month), [Missouri](#) (30 days/month), [New York](#) (30 days/month), [Oregon](#) (no exact time given, but [seems](#) to generally be 30 days/month), [Texas](#) (for completing education, SUD treatment, faith-based/volunteer programs, etc), [Virginia](#) (for education, maintaining employment/housing/health insurance, completing SUD treatment), and [Washington](#) (up to 10 days each month).

6. Limited/No Incarceration for Technical Violations

Many states have limited the length of time that a probationer may be incarcerated for a technical violation - for example, Washington's [HB 2143](#) (2011) disallows jail time for low-level technical violations and imposes a three- and 30-day cap on incarceration for mid- and high-level technical violations, respectively. More recently, a few states have opted to completely prohibit jail time for a probationer's first technical violation: [Virginia](#) (in 2020) and [Tennessee](#) (in 2021) have taken this approach, with laws banning incarceration for a first offense. Virginia's bill also requires a "presumption against" imposing jail time for subsequent technical violations. This year, New Jersey is [considering](#) banning incarceration for all first and second technical violations, with jail time allowed once a repeat offender commits a third technical violation.

7. Reversals & Retrenchment

As attitudes towards criminal justice reform have shifted over the years, some states have rolled back certain aspects of prior SCF reforms. First, Alaska's [HB 49](#), passed in 2019, generally granted more discretion to probation officers in determining sanctions for probation violations while also reducing incentives like earned compliance credits. The bill also shifted away from automatic termination of supervision in favor of requiring a recommendation from a probation officer. Louisiana's [HB 11](#) (2024) followed a similar pattern: the state eliminated earned compliance credits, granted more discretion to probation officers, and lengthened the

potential jail time that may be imposed for a technical violation of probation. Most recently, California is considering a [bill](#) during this legislative session that would require the agency supervising a probationer to revoke or modify their probation if they commit more than two violations of their release terms and have committed a new felony or misdemeanor.