

FAQ: EARLY TERMINATION OF PROBATION IN PENNSYLVANIA

*If you are currently on probation, we strongly recommend meeting with an attorney to understand the new law and its impact on your particular circumstances. **This is NOT legal advice.***

Am I eligible for early termination of probation?

Yes!

- Anyone can apply for early termination of probation at any time! Talk to your lawyer about your options. The information in this explainer relates to a specific type of early termination authorized under the new law, often referred to as SB 838 or Act 44.”
- Under this new law, the process is automatic and a judge must consider you for early termination, and in some cases may be required to grant it.
 - The only people **not** eligible under the new law are those sentenced to probation for: a crime of violence (9714(g)), simple assault against a family member, stalking, a crime requiring registering as a sex offender, or any homicide charge, including involuntary manslaughter (if you were sentenced on or after June 11, 2024).

When am I eligible for early termination under the new law?

- **If you were sentenced to probation before June 11th, 2024:** You become eligible on June 11, 2025, or after completing two years of probation for a misdemeanor conviction or four years for a felony conviction – whichever comes later.
- **If you were sentenced to probation on or after June 11th, 2024:** After completing half your probation sentence, and after 1 year has passed since you were sentenced. If you were sentenced for multiple offenses consecutively, add the sentences together to calculate the halfway point.
 - You are also eligible after completing 2 years of probation for a misdemeanor or 4 years for a felony, if that is sooner than your halfway point.
 - You are also eligible up to one year earlier if you have obtained an educational degree including a GED, a vocational or occupational certificate or training, or finished a court-ordered program.

What happens once I am eligible for early termination under the new law?

- **If you were sentenced to probation before June 11th, 2024:** A judge must consider early termination or changing the conditions of your probation unless you have been convicted of a felony or first or second degree misdemeanor while on probation, or committed certain technical violations in the past 6 months.
- **If you were sentenced to probation on or after June 11, 2024:** Your probation department must give you a Probation Status Report which will recommend that you be terminated early, continue on probation, or continue on probation with different conditions.
 - If you and the prosecutor accept the recommendation, a judge must enforce it.
 - If you or the prosecutor object to the recommendation within 30 days, a judge must hold a Probation Review Conference.

- If you do not agree with the recommendation, you must OBJECT in order to receive a Conference! Make sure to talk to a lawyer when you receive your status report so you can increase your chance at success and preserve your rights.

What happens at a Probation Review Conference?

- A judge must grant you early termination except that:
 - If you committed certain technical violations in the past 6 months, or were convicted of any felony or first or second degree misdemeanor while on probation, then a judge cannot grant you early termination under the new law. Talk to a lawyer about other options for early termination.
 - If you have unpaid restitution, are enrolled in a program assigned by probation, or committed an identifiable threat to public safety while on probation, then a judge may grant you early termination but is not required to do so.
 - The judge must let you know the reasons they denied early termination, if it is denied. You are then eligible for another Probation Review Conference within 12 months.
 - But if you were denied only because of 1 technical violation in the past 6 months then you must receive another Conference 6 months after the date of that violation.
- If you have unpaid restitution: If the court does not terminate probation at a Probation Review Conference solely because of restitution, the court must place you on administrative probation (no fees, no conditions other than paying restitution, maximum of quarterly reporting) if you have paid at least 50% of your restitution or made a good faith effort to pay.

For more information, to ask questions about these issues, and to see our online Early Termination Eligibility Tool, check out our website at this link or use the QR code below:
<https://reformalliance.com/act44>

