§ 410.90 Termination of sentence.

1. The court may at any time terminate either a period of probation, other than a period of lifetime probation, for conviction to a crime or a period of conditional discharge for an offense.

2. The court may terminate a period of probation for a person who is subject to lifetime probation and who has been on unrevoked probation for at least five consecutive years.

3. (a) The court shall grant a request for termination of a sentence of probation under this section when, having regard to the conduct and condition of the probationer, the court is of the opinion that:

(i) the probationer is no longer in need of such guidance, training or other assistance which would otherwise be administered through probation supervision;

(ii) the probationer has diligently complied with the terms and conditions of the sentence of probation; and

(iii) the termination of the sentence of probation is not adverse to the protection of the public.

No such termination shall be granted unless the court is satisfied that the probationer, who is otherwise financially able to comply with an order of restitution or reparation, has made a good faith effort to comply therewith.

(b) The court shall grant a request for termination of a sentence of conditional discharge under this section when, having regard to the conduct and condition of the defendant, the court is of the opinion that:

(i) the defendant has diligently complied with the terms and conditions of the sentence of conditional discharge; and

(ii) termination of the sentence of conditional discharge is not adverse to protection of the public.