§ 353.1. Conditional discharge. 1. The court may conditionally discharge the respondent if the court, having regard for the nature and circumstances of the crime and for the history, character and condition of the respondent, is of the opinion that consistent with subdivision two of section 352.2, neither the public interest nor the ends of justice would be served by a placement and that probation supervision is not appropriate. The court may, as a condition of a conditional discharge, in cases where the record indicates the respondent qualifies as an eligible person and has been adjudicated for an eligible offense as defined in section four hundred fifty-eight-l of the social services law, require the respondent to attend and complete an education reform program established pursuant to section four hundred fifty-eight-l of the social services law.

2. When the court orders a conditional discharge the respondent shall be released with respect to the finding upon which such order is based without placement or probation supervision but subject, during the period of conditional discharge, to such conditions enumerated in subdivision two of section 353.2, as the court may determine. The court shall order the period of conditional discharge authorized by subdivision three and shall specify the conditions to be complied with. The court may modify or enlarge the conditions at any time prior to the expiration or termination of the period of conditional discharge. Such action may not, however, be taken unless the respondent is personally present, except that the respondent need not be present if the modification consists solely of the elimination or relaxation of one or more conditions.

3. The maximum period of a conditional discharge shall not exceed one year.

4. The respondent must be given a written copy of the conditions at the time a conditional discharge is ordered or modified, provided, however, that whenever the respondent has not been personally present at the time of a modification, the court shall notify the respondent in writing within twenty days after such modification, specifying the nature of the elimination or relaxation of any condition and the

effective date thereof. A copy of such conditions must be filed with and become part of the record of the case.

5. A finding that the respondent committed an additional crime after a conditional discharge has been ordered and prior to expiration and termination of the period of such order constitutes a ground for revocation of such order irrespective of whether such fact is specified as a condition of the order.