

Alabama Rules of Criminal Procedure

Rule 27. Probation and probation revocation.

Rule 27.3. Extension of term of probation; termination of probation; order of discharge.

(a) EXTENSION OF TERM OF PROBATION. At any time during a term of probation, the court, for good cause shown, may extend the term of probation up to the maximum period permitted by law.

(b) EARLY TERMINATION. At any time during a term of probation, the sentencing court may terminate probation and discharge the probationer absolutely, after notice to the prosecutor. Early termination may result from a motion of the probationer or the probation officer, or on the initiative of the court.

(c) TERMINATION UPON COMPLETION OF TERM. Probation automatically terminates upon successful completion of the term of probation set by the court.

(d) ORDER OF DISCHARGE. Upon completion or early termination of a term of probation, the court shall order the probationer to be discharged absolutely, and the clerk of the court, upon request, shall furnish the probationer with a certified copy of the order of discharge.

Committee Comments

Ala.Code 1975, § 15-22-54, provides for the termination, continuance, or extension of the period of probation by court action and for the recordation of such termination.

The probationer who completes his full probation period receives the benefits of an order of discharge, provided for in section (d). Such an order serves as a formal record of the probationer's freedom should any question arise after discharge.

The court may extend the probation term but may not extend the jail term. *Stout v. State*, 45 Ala.App. 262, 229 So.2d 37 (1969).