



EARLY TERMINATION FACT SHEET

The most common questions around Georgia's probation **Early Termination (ET) Laws**

In recent years, the Georgia General Assembly has passed two bills amending Georgia's probation early termination laws. The first, SB 174, was passed in 2017 and created Behavioral Incentive Dates and Qualified Offenses. The second, SB 105, was passed in 2021 and made retroactive changes that:

- **Increase the use of BIDs: If a case is eligible for a BID and one is not ordered by the Judge, the BID is automatically set at the 3-year mark;**
- **Make the eligibility for early termination consistent and less subjective: The criteria for compliance is now that the person has no revocations within last 24 months; and**
- **Standardize the early termination process: Specifies deadlines for DCS, DAs, and Judges.**

1. What is a Behavioral Incentive Date?

A Behavioral Incentive Date (BID) is a form of early termination that enables the reduction of a probation sentence as a reward for good behavior while on supervision.

2. When should a sentence include a BID?

A defendant with no prior felony convictions that receives a sentence of straight probation or a split sentence with no more than 12 months of imprisonment is entitled to a BID.

3. Who sets the BID?

At sentencing, the Judge is required to set a BID that cannot exceed three years from the date the sentence was imposed. If the Judge fails to include a BID in the sentencing order, the BID is set at three years from the date the sentence was imposed.

4. What criteria determines if a BID case is eligible for ET?

The criteria for early termination of a BID-case is that the person under supervision has:

- No arrests other than non serious traffic offenses as defined in Code Section 35-3-37;
- Not had probation revoked within last 24 months, or when the Court includes a BID less than two years from the date the sentence was imposed, not had probation revoked during such period; and
- Paid all restitution owed.

5. What is the process for ET of a BID case?

Within 60 days of the expiration of the BID, DCS is required to provide the Court with an order to terminate probation.

6. What is a qualified offense?

A qualified offense is 1 of 20 felony offenses outlined in O.C.G.A. § 42-8-21.

7. What criteria determines if a qualified offense case is eligible for ET?

The criteria for early termination of a qualified offense case is that the person under supervision has:

- No arrests other than non serious traffic offenses as defined in Code Section 35-3-37;
- Not had probation revoked within last 24 months; and
- Paid all restitution owed.

8. What is the process for ET of a qualified offense case?

After serving three years on probation, DCS is required to provide the Court with an order to terminate probation.

9. What if a case is neither BID-eligible or a qualified offense?

Georgia law requires DCS to review every probation case of three years or more and provide a written report with the officer's recommendation as to early termination to the sentencing court at the three-year mark and every year thereafter until the termination, expiration, or other disposition of the case.

10. What is the criteria for ET for "progress report" cases?

In the officer's written report, the officer is required to state whether the person has:

- No arrests other than non serious traffic offenses as defined in Code Section 35-3-37;
- Not had probation revoked within last 24 months; and
- Paid all restitution owed.

11. What is the process for ET of "progress report" cases?

After serving three years on probation, DCS is required to make a recommendation on whether or not to terminate probation. If early termination is recommended, DCS is required to notify the prosecuting attorney and simultaneously provide the Court with an order to terminate probation.