
By: Senator Baker

Introduced and read first time: January 31, 1997

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Probation - Conditions - Suspension or Revocation of Driver's License or Privilege to**
3 **Drive**

4 FOR the purpose of authorizing a court to order the Motor Vehicle Administration to
5 suspend or revoke a person's driver's license or privilege to drive as a condition of
6 probation; requiring the Motor Vehicle Administration to suspend or revoke the
7 driver's license or privilege to drive of a person in accordance with a court order;
8 and generally relating to conditions of probation and the suspension or revocation
9 of a driver's license or privilege to drive.

10 BY repealing and reenacting, with amendments,
11 Article 27 - Crimes and Punishments
12 Section 639(a), 641(a)(1)(i), and 641A(a)
13 Annotated Code of Maryland
14 (1996 Replacement Volume)

15 BY adding to
16 Article 27 - Crimes and Punishments
17 Section 643A(e)
18 Annotated Code of Maryland
19 (1996 Replacement Volume)

20 BY repealing and reenacting, without amendments,
21 Article 27 - Crimes and Punishments
22 Section 643A(a)
23 Annotated Code of Maryland
24 (1996 Replacement Volume)

25 BY adding to
26 Article - Transportation
27 Section 16-206(e)
28 Annotated Code of Maryland
29 (1992 Replacement Volume and 1996 Supplement)

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1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article 27 - Crimes and Punishments**

4 639.

5 (a) (1) The courts may suspend sentence generally or for a definite time, and
6 may make such orders and impose such terms as to costs, recognizance for appearance, or
7 matters relating to the residence or conduct of the convicts as may be deemed proper; and
8 if the convict is a person under 18 years of age, the courts may also make such orders as
9 to his detention in any care or custody as may be deemed proper.

10 (2) In Charles County, St. Mary's County, and Calvert County, the court
11 may impose a sentence of confinement as a condition of probation.

12 (3) A COURT MAY ORDER THE MOTOR VEHICLE ADMINISTRATION TO
13 SUSPEND OR REVOKE A PERSON'S DRIVER'S LICENSE OR PRIVILEGE TO DRIVE AS A
14 CONDITION OF PROBATION.

15 641.

16 (a) (1) (i) 1. Whenever a person accused of a crime pleads guilty or nolo
17 contendere or is found guilty of an offense, a court exercising criminal jurisdiction, if
18 satisfied that the best interests of the person and the welfare of the people of the State
19 would be served thereby, and with the written consent of the person after determination
20 of guilt or acceptance of a nolo contendere plea, may stay the entering of judgment, defer
21 further proceedings, and place the person on probation subject to reasonable terms and
22 conditions as appropriate. The terms and conditions may include ordering the person to
23 pay a fine or pecuniary penalty to the State, or to make restitution, but before the court
24 orders a fine, pecuniary penalty, or restitution the person is entitled to notice and a
25 hearing to determine the amount of the fine, pecuniary penalty, or restitution, what
26 payment will be required, and how payment will be made. The terms and conditions also
27 may include any type of rehabilitation program or clinic, or similar program, or the parks
28 program or voluntary hospital program.

29 2. In Charles County, St. Mary's County, and Calvert County,
30 the court may impose a sentence of confinement as a condition of probation.

31 3. A COURT MAY ORDER THE MOTOR VEHICLE
32 ADMINISTRATION TO SUSPEND OR REVOKE A PERSON'S DRIVER'S LICENSE OR
33 PRIVILEGE TO DRIVE AS A CONDITION OF PROBATION.

34 641A.

35 (a) (1) Upon entering a judgment of conviction, the court having jurisdiction
36 may suspend the imposition or execution of sentence and place the defendant on
37 probation upon such terms and conditions as the court deems proper.

38 (2) In Charles County, St. Mary's County, Cecil County, Harford County,
39 and Calvert County, the court may impose as a condition of probation a sentence of
40 confinement.

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1 (3) The court may impose a sentence for a specified period and provide that
2 a lesser period be served in confinement, suspend the remainder of the sentence and
3 grant probation for a period longer than the sentence but not in excess of 5 years.

4 (4) However, if the defendant consents in writing, the court may grant
5 probation in excess of 5 years, but only for purposes of making restitution.

6 (5) A COURT MAY ORDER THE MOTOR VEHICLE ADMINISTRATION TO
7 SUSPEND OR REVOKE A PERSON'S DRIVER'S LICENSE OR PRIVILEGE TO DRIVE AS A
8 CONDITION OF PROBATION.

9 643A.

10 (a) In a criminal or motor vehicle case within the court's jurisdiction a District
11 Court judge has the same power as a judge of the circuit court of a county to impose any
12 sentence authorized by law, to suspend the imposition or execution of a sentence, to place
13 a person on probation, and to strike out a suspension of sentence and impose a lawful
14 sentence, and to revoke probation, subject to the limitations of subsections (b), (c), and
15 (d) of this section.

16 (E) A DISTRICT COURT JUDGE MAY ORDER THE MOTOR VEHICLE
17 ADMINISTRATION TO SUSPEND OR REVOKE A PERSON'S DRIVER'S LICENSE OR
18 PRIVILEGE TO DRIVE AS A CONDITION OF PROBATION.

19 **Article - Transportation**

20 16-206.

21 (E) (1) IN ACCORDANCE WITH A COURT ORDER UNDER ARTICLE 27, §
22 639(A)(3), § 641(A)(1)(D)3, § 641A(A)(5), OR § 643A(E) OF THE CODE, THE
23 ADMINISTRATION SHALL SUSPEND OR REVOKE THE DRIVER'S LICENSE OR
24 PRIVILEGE TO DRIVE OF A PERSON PLACED ON PROBATION.

25 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
26 ADMINISTRATION SHALL SUSPEND OR REVOKE A DRIVER'S LICENSE OR PRIVILEGE
27 TO DRIVE UNDER THIS SUBSECTION FOR THE PERIOD OF TIME SPECIFIED BY THE
28 COURT.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 1997.