
By: Senator Baker

Introduced and read first time: January 31, 1997

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted with floor amendments

Read second time: March 13, 1997

CHAPTER ____

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 for certain offenses relating to the use of a motor vehicle; requiring the
7 Motor Vehicle Administration to suspend or revoke the driver's license or privilege
8 to drive of a person in accordance with a court order; and generally relating to
9 conditions of probation and the suspension or revocation of a driver's license or
10 privilege to drive.

11 BY repealing and reenacting, with amendments,
12 Article 27 - Crimes and Punishments
13 Section 639(a), 641(a)(1)(i), and 641A(a)
14 Annotated Code of Maryland
15 (1996 Replacement Volume)

16 BY adding to
17 Article 27 - Crimes and Punishments
18 Section 643A(e)
19 Annotated Code of Maryland
20 (1996 Replacement Volume)

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

2

1 (1996 Replacement Volume)

2 BY adding to

3 Article - Transportation

4 Section 16-206(e)

5 Annotated Code of Maryland

6 (1992 Replacement Volume and 1996 Supplement)

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

9 **Article 27 - Crimes and Punishments**

10 639.

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

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

18 (3) A COURT MAY ORDER THE MOTOR VEHICLE ADMINISTRATION TO
19 SUSPEND OR REVOKE A PERSON'S DRIVER'S LICENSE OR PRIVILEGE TO DRIVE AS A
20 CONDITION OF PROBATION FOR AN OFFENSE RELATING TO THE USE OF A MOTOR
21 VEHICLE.

22 641.

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

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

38 3. A COURT MAY ORDER THE MOTOR VEHICLE
39 ADMINISTRATION TO SUSPEND OR REVOKE A PERSON'S DRIVER'S LICENSE OR
40 PRIVILEGE TO DRIVE AS A CONDITION OF PROBATION FOR AN OFFENSE RELATING
41 TO THE USE OF A MOTOR VEHICLE.

3

1 641A.

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

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

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

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

13 (5) A COURT MAY ORDER THE MOTOR VEHICLE ADMINISTRATION TO
14 SUSPEND OR REVOKE A PERSON'S DRIVER'S LICENSE OR PRIVILEGE TO DRIVE AS A
15 CONDITION OF PROBATION FOR AN OFFENSE RELATING TO THE USE OF A MOTOR
16 VEHICLE.

17 643A.

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

24 (E) A DISTRICT COURT JUDGE MAY ORDER THE MOTOR VEHICLE
25 ADMINISTRATION TO SUSPEND OR REVOKE A PERSON'S DRIVER'S LICENSE OR
26 PRIVILEGE TO DRIVE AS A CONDITION OF PROBATION FOR AN OFFENSE RELATING
27 TO THE USE OF A MOTOR VEHICLE.

28 **Article - Transportation**

29 16-206.

30 (E) (1) IN ACCORDANCE WITH A COURT ORDER UNDER ARTICLE 27, §
31 639(A)(3), § 641(A)(1)(D)3, § 641A(A)(5), OR § 643A(E) OF THE CODE, THE
32 ADMINISTRATION SHALL SUSPEND OR REVOKE THE DRIVER'S LICENSE OR
33 PRIVILEGE TO DRIVE OF A PERSON PLACED ON PROBATION FOR AN OFFENSE
34 RELATING TO THE USE OF A MOTOR VEHICLE.

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

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

