E2 5lr2491

By: Delegates Simmons, Bronrott, and Dumais

Introduced and read first time: February 7, 2005

Assigned to: Judiciary

	A BILL ENTITLED
1	AN ACT concerning
2 3	Criminal Procedure - Probation Before Judgment - Provisional Driver's License
4 5 6	FOR the purpose of prohibiting a court from staying an entry of judgment and placing a defendant on probation for a certain moving violation if the defendant holds a provisional license; and generally relating to probation before judgment.
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12 13 14 15 16	Section 11-136.1 and 16-111(d) Annotated Code of Maryland
17 18	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
19	Article - Criminal Procedure
20	6-220.
21 22	(d) Notwithstanding subsections (b) and (c) of this section, a court may not stay the entering of judgment and place a defendant on probation for:
23 24	(1) a violation of § 21-902 of the Transportation Article or § 2-503, § 2-504, § 2-505, § 2-506, or § 3-211 of the Criminal Law Article, if within the

- 25 preceding 5 years the defendant has been convicted under § 21-902 of the
- 26 Transportation Article or § 2-503, § 2-504, § 2-505, § 2-506, or § 3-211 of the
- 27 Criminal Law Article, or has been placed on probation in accordance with this section,

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	2-503, § 2-504, § 2-505, § 2-506, or § 3-211 of the Criminal Law Article;
3	(2) a second or subsequent controlled dangerous substance crime under Title 5 of the Criminal Law Article; [or]
5 6	(3) a violation of any of the provisions of §§ 3-303 through 3-307 of the Criminal Law Article for a crime involving a person under the age of 16 years; OR
	(4) A MOVING VIOLATION, AS DEFINED IN § 11-136.1 OF THE TRANSPORTATION ARTICLE, IF THE DEFENDANT HOLDS A PROVISIONAL LICENSE UNDER § 16-111 OF THE TRANSPORTATION ARTICLE.
10	Article - Transportation
11	11-136.1.
12	"Moving violation" means:
13 14	(1) A moving violation as defined in regulations adopted by the Administration for the purpose of assessing points under § 16-402 of this article; or
	(2) A violation of a substantially similar nature reported from another jurisdiction, other than a violation of the jurisdiction's size, weight, load, equipment, or inspection provisions.
18	16-111.
19 20	(d) (1) An individual who holds a provisional license may not receive a license sooner than 18 months:
21	(i) After the individual first obtains the provisional license; or
22 23	(ii) If the individual has been convicted of a moving violation, after the date of the violation.
	(2) Notwithstanding any other provision of this subtitle, the Administration may issue a license to an individual who was otherwise eligible to receive a license at the time a moving violation was committed.
27 28	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2005.