

---

By: **Senators Kelley, Astle, Britt, Colburn, Conway, Dyson, Forehand,  
Grosfeld, Haines, Hooper, Jimeno, Kasemeyer, Klausmeier, Lawlah,  
Middleton, Mooney, and Stone**

Introduced and read first time: January 19, 2005

Assigned to: Judicial Proceedings

---

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Sex Offenses - Prohibition Against Probation Before**  
3 **Judgment**

4 FOR the purpose of including certain additional sex offenses among the offenses for  
5 which a court is prohibited from staying the entering of judgment and placing a  
6 defendant on probation; and generally relating to sex offenses and probation  
7 before judgment.

8 BY repealing and reenacting, with amendments,  
9 Article - Criminal Procedure  
10 Section 6-220(d)  
11 Annotated Code of Maryland  
12 (2001 Volume and 2004 Supplement)

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

15 **Article - Criminal Procedure**

16 6-220.

17 (d) Notwithstanding subsections (b) and (c) of this section, a court may not  
18 stay the entering of judgment and place a defendant on probation for:

19 (1) a violation of § 21-902 of the Transportation Article or § 2-503, §  
20 2-504, § 2-505, § 2-506, or § 3-211 of the Criminal Law Article, if within the  
21 preceding 5 years the defendant has been convicted under § 21-902 of the  
22 Transportation Article or § 2-503, § 2-504, § 2-505, § 2-506, or § 3-211 of the  
23 Criminal Law Article, or has been placed on probation in accordance with this section,  
24 after being charged with a violation of § 21-902 of the Transportation Article or §  
25 2-503, § 2-504, § 2-505, § 2-506, or § 3-211 of the Criminal Law Article;

1                   (2)       a second or subsequent controlled dangerous substance crime under  
2 Title 5 of the Criminal Law Article; or

3                   (3)       a violation of any of the provisions of §§ 3-303 through 3-307, §§  
4 3-309 THROUGH 3-312, § 3-315, OR § 3-602 of the Criminal Law Article for a crime  
5 involving a person under the age of 16 years.

6       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
7 effect October 1, 2005.