

## Article - Criminal Procedure

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§6–219.

(a) In this section, “custodial confinement” means:

(1) home detention;

(2) a corrections options program established under law which requires the individual to participate in home detention, inpatient treatment, or other similar program involving terms and conditions that constitute the equivalent of confinement; or

(3) inpatient drug or alcohol treatment.

(b) Subject to subsection (c) of this section, a court:

(1) may suspend a sentence generally or for a definite time;

(2) may pass orders and impose terms as to costs, recognizance for appearance, or matters relating to the residence or conduct of the defendant who is convicted as may be deemed proper;

(3) may order confinement in any care or custody as may be deemed proper; or

(4) may order a person to a term of custodial confinement as a condition of a suspended sentence.

(c) (1) If the court places on probation a defendant who has been convicted of 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, the court shall require as a condition that the defendant participate in an alcohol or drug treatment or education program approved by the Department of Health and Mental Hygiene, unless the court finds and states on the record that the interests of the defendant and the public do not require the imposition of this condition.

(2) If the court places on probation a defendant who has been convicted of a violation of any provision of Title 5 of the Criminal Law Article, the court shall require as a condition that the defendant participate in a drug treatment or education program approved by the Department of Health and Mental Hygiene, unless the court finds and states on the record that the interests of the defendant and the public do not require the imposition of this condition.

(d) The court may impose a sentence of imprisonment as a condition of probation.

(e) In Prince George's County, the court on conviction may sentence a defendant to the local correctional facility, if:

(1) the sentence is to be performed during any 48-hour period in a 7-day period, with each period of confinement to be not less than 2 days of the sentence imposed;

(2) the crime leading to the conviction allows confinement in the local correctional facility; and

(3) the total sentence does not exceed 30 2-day periods of confinement.

(f) If an individual violates the terms of probation, any time served by the individual in custodial confinement shall be credited against any sentence of incarceration imposed by the court.

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