

Article - Criminal Procedure

[Previous][Next]

§6–229.

(a) This section does not apply to a person:

(1) charged with a crime of violence as defined under § 14-101 of the Criminal Law Article or with a violation of Title 3, Subtitle 6 or Subtitle 8, or § 3-203, § 3-204, § 5-612, § 5-613, § 5-614, § 5-621, § 5-622, or § 5-628 of the Criminal Law Article; or

(2) who has been convicted of a crime of violence, as defined under § 14-101 of the Criminal Law Article, within the previous 5 years.

(b) Except as otherwise provided in this section:

(1) a nolle prosequi with the requirement of drug or alcohol treatment shall be considered a nolle prosequi under the Maryland Rules; and

(2) a stet with the requirement of drug or alcohol treatment shall be considered a stet under the Maryland Rules, including provisions for rescheduling a trial.

(c) (1) The State's Attorney, on request of the defendant or on the State's Attorney's own motion, may make an offer to a defendant that if the defendant qualifies for drug or alcohol treatment the State's Attorney shall dismiss the charge by entering a nolle prosequi with the requirement of drug or alcohol treatment or move that the court indefinitely postpone trial of the charge by marking the charge stet with the requirement of drug or alcohol abuse treatment on the docket.

(2) In order to qualify for a nolle prosequi with the requirement of drug or alcohol treatment or a stet with the requirement of drug or alcohol abuse treatment, a defendant shall be evaluated for drug or alcohol abuse by the Department of Health and Mental Hygiene, a designee of the Department, or a private provider licensed to provide substance use disorder treatment under regulations of the Department of Health and Mental Hygiene and the evaluation shall determine whether the defendant is amenable to treatment and, if so, recommend an appropriate treatment program.

(3) The drug or alcohol treatment program shall be approved under regulations of the Department of Health and Mental Hygiene.

(4) If a defendant qualified under this section accepts an offer described in paragraph (1) of this subsection:

(i) the defendant shall sign a consent to the disclosure of such treatment information as may be necessary to allow the disclosure of the disposition of nolle prosequi with the requirement of drug or alcohol treatment or stet with the

requirement of drug or alcohol abuse treatment to criminal justice units; and

(ii) on successful completion of drug or alcohol treatment, the State's Attorney shall dismiss the charge by entering a nolle prosequi with the requirement of drug or alcohol treatment or move that the court indefinitely postpone trial of the charge by marking the charge stet with the requirement of drug or alcohol abuse treatment on the docket.

(d) (1) (i) A defendant who has received a disposition of nolle prosequi with the requirement of drug or alcohol treatment or stet with the requirement of drug or alcohol abuse treatment may not receive a disposition of nolle prosequi with the requirement of drug or alcohol treatment or stet with the requirement of drug or alcohol abuse treatment for charges against the defendant arising from a separate incident that are not resolved in the same proceeding.

(ii) This paragraph may not be construed to prohibit the State's Attorney or the court from entering any other appropriate disposition in a proceeding, including a disposition of nolle prosequi or stet in accordance with the Maryland Rules, provided that the disposition is not nolle prosequi with the requirement of drug or alcohol treatment or stet with the requirement of drug or alcohol abuse treatment.

(2) In the manner provided by law, a clerk of the court shall transmit a disposition of nolle prosequi with the requirement of drug or alcohol treatment or stet with the requirement of drug or alcohol abuse treatment for entry into the appropriate criminal records as provided by law.

(e) (1) In addition to any other fees, fines, or costs, unless the court makes a finding on the record that a defendant is unable by reason of indigency to pay the costs, a person who receives a disposition of nolle prosequi with the requirement of drug or alcohol treatment or stet with the requirement of drug or alcohol abuse treatment shall pay to the court an administrative fee of \$150.

(2) The fee required under paragraph (1) of this subsection shall be paid into the Maryland Substance Abuse Fund under § 8-6A-01 of the Health - General Article.

[Previous][Next]