

CF 7lr2277

By: Senator Middlebrooks

Introduced and read first time: January 30, 1997

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: March 12, 1997

CHAPTER ____

1 AN ACT concerning

2 **Motor Vehicle Administration - Records - Probation Before Judgment**

3 FOR the purpose of requiring the Motor Vehicle Administration to keep convenient
4 records or make suitable notations showing probation before judgment dispositions
5 of certain violations; and generally relating to motor vehicle records.

6 BY repealing and reenacting, with amendments,
7 Article - Transportation
8 Section 16-117(b)
9 Annotated Code of Maryland
10 (1992 Replacement Volume and 1996 Supplement)

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

13 **Article - Transportation**

14 16-117.

15 (b) (1) The Administration shall file each accident report and abstract of court
16 disposition records that it receives under the laws of this State.

17 (2) The Administration shall keep convenient records or make suitable
18 notations showing the convictions or traffic accidents in which each licensee has been
19 involved and every probation before judgment disposition of any violation of § 16-303, §§
20 20-102 THROUGH 20-105, § 21-902, OR § 21-904 of this article. A record or notation of a
21 probation before judgment disposition, or a first offense of driving with an alcohol
22 concentration of 0.10 or more under § 16-205.1 of this article, shall be segregated by the
23 Administration and shall be available only to the Administration, the courts, criminal
24 justice agencies, and the defendant or his attorney. However, a record or notation of a

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1 probation before judgment, or a first offense of driving with an alcohol concentration of
2 0.10 or more under § 16-205.1 of this article, may not be received or considered by the
3 courts until a plea of guilty or nolo contendere is made by the defendant or a finding of
4 guilty is made by the court.

5 (3) These records or notations shall be made so that they are readily
6 available for consideration by the Administration of any license renewal application and
7 at any other suitable time.

8 (4) Accident reports and abstracts of court convictions pertaining to driving
9 an emergency vehicle, if received by a person who was driving an emergency vehicle
10 pursuant to the provisions of § 21-106 of this article, shall be segregated by the
11 Administration and shall be available only to the Administration.

12 (5) Except as provided in this section, an employee of the Administration
13 may not disclose any records or information regarding probation before judgment, or a
14 first offense of driving with an alcohol concentration of 0.10 or more under § 16-205.1 of
15 this article.

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