
By: **Delegates Comeau, Vallario, Palumbo, and M. Burns**

Introduced and read first time: January 22, 1998

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Probation Before Judgment - Confinement**

3 FOR the purpose of applying statewide certain provisions of law currently applicable
4 in certain counties allowing a court to impose a sentence of confinement as a
5 condition of probation before judgment; and generally relating to confinement
6 and probation before judgment.

7 BY repealing and reenacting, with amendments,
8 Article 27 - Crimes and Punishments
9 Section 641(a)(1)(i)
10 Annotated Code of Maryland
11 (1996 Replacement Volume and 1997 Supplement)

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

14 **Article 27 - Crimes and Punishments**

15 641.

16 (a) (1) (i) 1. Whenever a person accused of a crime pleads guilty or nolo
17 contendere or is found guilty of an offense, a court exercising criminal jurisdiction, if
18 satisfied that the best interests of the person and the welfare of the people of the
19 State would be served thereby, and with the written consent of the person after
20 determination of guilt or acceptance of a nolo contendere plea, may stay the entering
21 of judgment, defer further proceedings, and place the person on probation subject to
22 reasonable terms and conditions as appropriate. The terms and conditions may
23 include ordering the person to pay a fine or pecuniary penalty to the State, or to make
24 restitution, but before the court orders a fine, pecuniary penalty, or restitution the
25 person is entitled to notice and a hearing to determine the amount of the fine,
26 pecuniary penalty, or restitution, what payment will be required, and how payment
27 will be made. The terms and conditions also may include any type of rehabilitation
28 program or clinic, or similar program, or the parks program or voluntary hospital
29 program.

